211

64/3

SUPREME COURT OF THE UNITED STATES.

No. ~~204.~~ 248, 102.

THE UNITED STATES, APP'TS,

vs.

HENRY DE GRAW, CHARLES BROWN, AND MILTON LITTLE, SUBSTITUTED FOR J. P. LEESE AND AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

GOVERNMENT PRINTING OFFICE.

213

SUPREME COURT OF THE UNITED STATES.

No. 294.

THE UNITED STATES, APP'TS,

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HENRY DE GRAW, CHARLES BROWN, AND MILTON LITTLE, SUBSTITUTED FOR J. P. LEESE AND AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

"Punta de Pinos."

INDEX.

	Original.	Print.
Transcript from board of land commissioners	1	1
Map	10	5
Map	28	16
Notice of appeal	49	25
Transfer of appeal notice to northern district	50	26
Notice of appeal	52	26
Petition for review	54	27
Motion to dismiss appeal	57	28
Answer of appellees	58	29
Order for original papers	60	29
Consent of Leese for substitution of parties	62	30
Deed from J. P. Leese to Henry de Graw	64	30
Order substituting H. de Graw in place of Leese	68	32
Deposition of J. P. Leese	70	32
Exhibit J. O. U., No. 3	74	35
Exhibit, map	80	37
Exhibit J. O. U., No. 1	85	39
" " No. 2	91	42
Translation of Exhibit No. 1, and juridical possession	100	46
Deposition of José Abrego	108	51
Deposition of David Spence	114	55
Deed to José Abrego	118	56

	Original.	Print.
Deposition of Ambrosir Gomez	120	58
Deed from Little & Gleason to J. Abrego	122	59
Deed from Abrego to Gregory	126	61
Deed from sheriff of Monterey country to Chas. Brown	128	62
Substitution of Chas. Brown for Gleason	132	64
Stipulation to use documentary evidence	134	65
Submission of cause	136	66
Leave to withdraw papers	138	66
Decree	140	67
Notice of appeal to Supreme Court	142	68
Clerk's certificate	143	68

JACOB P. LEESE, claimant,
vs.
THE UNITED STATES, defendant.
} For the place name named "Punta de Pinos."

1 OFFICE OF THE BOARD OF LAND COMMISSIONERS TO ASCERTAIN AND SETTLE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered that on this twenty-second day of September, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit.

The petition of Jacob P. Leese for the place named "Punta de Pinos" was presented, and was ordered to be filed and docketed with No. 353, and is as follows, to wit.

(*Vide* page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit.

SAN FRANCISCO, *Dec.* 31*st*, 1852.

In case No. 353, Jacob P. Leese, for the place named "Punta de Pinos," the deposition of Teodor Gonzales, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, with document, marked H. J. T., No. 1, annexed thereto, was filed.

(*Vide* page 5 of this transcript.)

SAN FRANCISCO, *Aug.* 10, 1853.

On motion of the U. S. law agent, case No. 353 was ordered to be placed on the trial docket.

SAN FRANCISCO, *Aug.* 11*th*, 1853.

Case No. 353 was submitted on briefs and taken under ad-
2 visement.

SAN FRANCISCO, *Jan'y* 10, 1854.

In the same case the counsel for the claimant filed the following affidavit, to wit.

(*Vide* page 40 of this transcript.)

SAN FRANCISCO, *Jan.* 17*th*, 1854.

In the same case the motion made by the counsel for the claimant heretofore, to wit, on the 10th inst., was sustained, and the deed of conveyance from Thomas O. Larkin admitted as evidence in this case, and is as follows, to wit.

(*Vide* page 44 of this transcript.)

SAN FRANCISCO, *May 9th*, 1854.

In the same case the counsel for the claimant filed the following affidavits, (*vide* page of this transcript,) and the following amended petition, to wit.

(*Vide* page 38 of this transcript.)

Also the following motion, (*vide* page 42 of this transcript,) which was granted by the board.

SAN FRANCISCO, *June* 13, 1854.

In the same case Commissioner R. Aug. Thompson delivered the opinion of the board, confirming the claim.

(*Vide* page 46 of this transcript.)

SAN FRANCISCO, *Aug.* 15, 1854.

In the same case, on motion of the U. S. law agent, the following order was made, to wit.

(*Vide* page 49 of this transcript.)

3 *Petition.*

To the U. S. board of land commissioners for the settlement of land claims in California:

Your petitioner, Jacob P. Leese, a citizen of Monterey, respectfully showeth:

That he claims to be the owner of the tract of land situate in the county of Monterey, known as Punta de Pinos, described and bounded as follows, viz:

Commencing at the Punto de Avlones on the southern shore of the bay of Monterey; thence, following the sinuosities of the said shore, westwardly to Punta de Pinos, and thence southerly, along the shore of the sea, to the Punto de Cypresis; thence in a straight line, in a northwesterly direction, to the beginning.

That said land was originally granted on the 24th day of May, A. D. 1833, by José Figueroa, then governor of Alta California, to José Maria Armenta, and that said grant was duly approved by the territorial deputation of California on the 17th of May, 1834.

That on the 12th of June, the said Armenta being dead, his heirs, the owners of said land, duly sold and conveyed the same to José Abrigo.

That in view of said sale, and affirming its validity, Manuel Micheltorena, governor of Alta California, on the 4th of October, 1844, made to the said José Abrigo, as an addition of muniment of title, a new grant of said land, and that the said Abrigo, in the year 1850, sold and conveyed the same to your petitioner.

That the espediente of said original title, showing said grant to said Armenta, with said confirmation of the same, are now on file in the archives of the former government of California, and that fac similes of the same, duly certified by the surveyor general of
4 the U. S. for California, are herewith presented.

That the original of said act of sale, and of said grant to Abrigo with translations of the same, are herewith presented.

That your petitioner is in possession of said land under said title, and knows of no other claim conflicting with his own.

He therefore prays your honorable body to confirm his said claim and title to said tract of land.

CLARK, TAYLOR & BECKH,
Att'ys for Petitioner.

Filed in office September 22nd, 1852.

GEO. FISHER, *Sec'y.*

5 *Deposition of Teodoro Gonzales.*

SAN FRANCISCO, *Dec.* 31*st*, 1852.

On this day, before Commissioner Harry J. Thornton, came Teodoro Gonzales, a witness in behalf of the claimant, Jacob P. Leese, (petition No. 353,) and was duly sworn, his evidence being interpreted by the secretary.

The U. S. associate law agent was present.

Question 1st, by claimant. What is your name, age, and place of residence?

Answer. My name is Teodoro Gonzales. I am 49 years old, and reside in Monterey.

Question 2. Look at the original documents now shown you, attached to each other, marked Exhibit 1, and now attached to your deposition, purporting to be an act of sale from the heirs of José M. Armenta to José Abrego of a tract of land called Punta de Pinos; a grant of the same land from Manuel Micheltorena to José Abrego, dated October 4th, 1844; a map of the premises and an act of sale of the same tract, January 15th, A. D. 1850, from the said José Abrego and wife to Jacob P. Leese, the claimant. State what you know of the genuineness of said documents, and the several signatures thereto.

Answer. I know the signature of Florencio Serrano, Ambrosio Gomez, Manuel Micheltorena, and Man'l Jimeno, José Abrego, Josepha Estrada, Manuel Castro, Francisco Mila, and Phil. A. Roach. These signatures upon the said documents, wherever they appear, are genuine. I am well acquainted with the handwriting of each of those persons, respectively, having often seen them write. I am also acquainted with the premises, a deseño of which appears upon one of the pages of said exhibit.

Previously to A. D. 1844, the land was unoccupied. At that José Abrego took possession of it, and since that time it has been
6 occupied by himself, and those under him, for grazing and agricultural purposes.

TEODORO GONZALES.

Since acknowledged.

R. GREENHOW,
U. S. Law Agent.

Taken and sworn to before me this 31st of December, 1852.
HARRY J. THORNTON,
Commissioner.

Filed in office December 31st, 1852.
GEO. FISHER,
Secretary.

7 1.—S. D. K.

Espediente.

JURISDICCION DE MONTEREY, (N. 4,) AÑO DE 1833.

Sobre el parage nombrado Punta de Pinos, solicitado pr. su veneficio pr. José Maria Armenta, natural de Agualulco del estado de Jalasco.

37.

8 2.—S. D. K.

Sello tercero, dos reales. [Place of seal in the original.] Para los años de mil ochocientos veinte y seis y ochocientos veinte y siete.

[Stamp for the years 1828 & 1829.]

[Stamp for the years 1830 & 1831.]

[Stamp for the years 1832 & 1833.]

S'OR GEFE SUP. POLITICO: José Maria Armenta, natural del Agualulco jurisdiccion del estado de Jalisco y actual vecino de esta capital ante V. S. devido respeto: Dice, que habiendo venido a este territorio de marinero, hace cuarenta y dos años se ha mantenido en el servicio de las armas, hasta qe. hallandose invalido se retiro con este gozo y viendose ya con familiar forzosa adquirida en esto paiz y sin recursos que le presen suficientes para la subsistencia, pidio el terreno qe. actualmente posee de la estencion y forma que demuestra el deseño qe. de vidam'te acompañar en el cual, (concedido en el año de 827, por el S'or Echeandia,) ha imprendido para hacerlo fructifico unos trabajas de gran tamaño superiores á su abanzada edad; mas como no tiene titulo alguno de adquisieron el qe. representa y qe. se halla un estrangero radicado dentro de los limites de dicho terreno que sus bienes deven perjudicar á los del suplicante se ve este en el impresendible caso de suplicar á V. S. se digno pr. un efecto de su bondad concederle en propiedad el espresado terreno y evitar qe. se en las tierras qe. lleva mencionadas el estrangero de qe se ha hecho referencia.

P. T. A. V. S. pide y suplica el interesada

9 vengo en acceder á esta solicitud en la qe. recivera merced y gracia. No se firmar.

AGUSTIN V. ZAMORANO, *S'rio.*

MONTEREY,
Feb'y 12 *de* 1833.

De conformidad con las leyes de la materia informe el ayuntamiento de este capital si el interesado, obtiene los requisitos prevenidos para ser atendido en su solicitud, si el terreno que pretende esta compredido entre las veinte leguas limitrof ó diaz literorales qe. espresa la ley de 18 de Agosta de 1824, si ha pertenocido ó pertenecer á propiedad particular, corporacion ó pueblo, ó se conoce por valdio con todo lo demas qe. sea conviniente á ilustrar la materia

FIGUEROA.

3.—S. D. K.

S'or Gefe Superior Politico: El Y. ayuntamiento de esta capital con el objeto de dar á V. S. el informe qe. se sirve pedir en su superior decreto, paso la presente solicitud á la comision que conoce en asuntos de colonisacion y terrenos valdios quien precento al dictamen que se mandó agregar á este espediente y como su contenido, es lo que en el particular debe informar esta corporacion, lo reproduce en todos sus partes, devolviendo á V. S. el presente en cumplimiento de lo acordado en sesion del 26 del presente.

Monterey, Marzo 30 de 1833.

MARCELINO ESCOBAR.

José Maria Maldonado, *S'rio.*

4.—S. D. K.

Monterey, 13 *de Mayo de* 1833.

Vista la peticion con que dar principio este espediente el informe de la autoridad municipal de esta capital con todo lo demas que se tuvo presente y ver convino de conformidad con lo dispuesto por las leyes y reglamentos de la materia se declara á José Maria Armenta, dueño en propiedad del terreno conocido con el nombre del Pinal en la parte occidental de la bahia de Monterey, sugeto á las condiciones que se estipularon; librese el despacho correspondiente, tomese razon en el libro respectivo y dirijase este espediente para la devida
10 aprovacion á la exma. diputacion territorial, en cuyo caso el interesado, á quien se le hará saver este decreto presentará nuevamente su titulo para que se le revalide, el S'or D'n José Figueroa, command'te general, inspector y gefe sup'r polit'co del terr'o de la Alta Calif'a asi lo mandó, decreto y firmó de que doy fee.

JOSÉ FIGUEROA.

Agustin V. Zamorano, *S'rio.*

5.—S. D. K.

(Here follows map, marked original, page 10.)

11 6.—S. D. K.

Y. Ayuntamiento:

La comision encargada de abrir dictamen en asuntos de colinacion y terrenos valdios ha visto con delenemiento la solicitud del C. Jos Ma. Armenta relativo á que se le conceda en propiedad el parage qe. actual y provicionalm'te pose cituado en la Punta de Pinos y como segun el decreto qe. al margen aparece del Sor. Gefe Politico deve informar á medida de como se le proporcionen los eseos q. conocimentos qe. tiene en la materia. Espone qe. el interesado es ciudadano Mejicano que el terreno que pretende esta comprendido en las diez leguas litorales y á mayor abundamiento pertenece á los ejidos que segun

se sabe señalo la exma. deputacion en el año de 1830, pa. esta poblacion y quedo pendiente su verificativo hasta tener la suprema aprovacion, pero hay la circustancia qe. hace acredor al pretendiente lo que con su aciduidad y trabajo lo ha beneficado con much utilidad de esta poblacion por lo qe. somete à la deliveracion de esto Y corporacion la proposicion siguiento: Informe el Y. ayuntamiento qe. puede concederse provicionalm'te el terreno qe. posee y pretende el C. Armenta entendido de qe. declarado la pertenencia pa la exma. deputacion y con la aprobacion supremo, su sujeta al conbenio que en este caso tenga con la corporacion.

Monterey, Marzo 15 de 1833.

JOSE ANTONIO ROMERO.
JOSE ARIOLA.

7.—S. D. K. 8.—S. D. K.

José Figueroa, &c.:

Por cuanto José Maria Armenta, natural de Agualulco del Estado de Jalisco ha pretendido pa. su beneficio per sonalel terreno conocido con el nombre de Punta de Pinos qe. comprende la parte de costa desde la Punta de Aulones hasta los cipreces y vuelva pr. la linea recta SW. á NE. á la referida Punta de Aulones; conforme queda demacada en el diceño respectivo; practicadas previamente las diligencias y averiguaciones concerniente segun lo dispuesto pr. las leyes y reglamentos usando de las facultades qe. me son conferidos
12 en decreto de 13 del corriente en nombre de la nacion Mejicana he venido en concerderle el terreno mencionado declarandole la propiedad de el pr. las presentes letras entiendose d'ha concesion en entera conformidad á lo dispuesto pr. las leyes á reserva de la aprovacion ó desaprovacion de la exma. deputacion territorial y del supremo gobierno y bajo las condiciones siguientes: 2a. que se sometera á la y qe. estableciera el reglamento qe. ha de formar pa. la distribucion de terrenos valdios y qe. entretanto ni el agraciado ni sus herederos podran devidir ni enagenar el qe. se le adjudica, imponer censo, vinculo, fianza, hipoteca ni otra gravamen aug. sea por causa piadoso, ni pasarlo a manos muertas, sometandose ademas á pagar el canon qe. se le imponga si resulare pretencer á los ejidos de Monterey cuando se arreglan sus linderos. 2a. Podra cercarlo sin perjudicar las travecias, caminos y servidumbres; lo disfrutara libre y exclusivamente, destinandolo al uso ó cultivo qe. mas le acomode; pero dentro de un año á lo mas fabricara á casa y estara habitado. 3a. Cuando se le confiere la propiedad se le solicitara del juez respectivo qe. le de posecion juridica en virtud de este despacho pr. el cual se demarcaran los linderos en cuyos limites pondra a mas de las mohoneras algunos arboles frutales ó silvestres de alguna utilidad. 4a. El terreno de que se hace mencion segun explica el diseño qe. corre en el espediente poco mas ó menos ocho mills se lesientos dos mil y quiniente de area o sup en varas cuadradas. El Juez qe. diere la posecion lo hara medir conforme á ordenanza pa. señarlar los linderos quedando el sobrante qe. resulte a la nacion pa. los usos convin'tes.

5a. Si contraviniere á estas condiciones perdera su derecho al terreno y sera denunciable pr. otra. En consecuencia mando que sirviendole de titulo el presente y teniendose pr. firme y valedero se tome razon en el libro á que corresponde y se entregue al interesado pa. su resguardo y demas fines.

13 Dado en Monterey á 24 de May de 1833.

JOSÉ FIGUEROA.

AUGUSTIN V. ZAMORANO, *S'rio.*

9.—S. D. K.

Queda razon en el libro de asientos de titulos sobre ajudicacion de terrenos valdios a f's 4 No. 4 q'e obra en el archivo de la secret'a de mi cargo. Monterey, Mayo 24 de 1833.

ZAMORANO.

10.—S. D. K.

Las comisiones de colonisacion y terrenos valdios á quienes se paso el espediente cuya formacion provoco por pretencion qe. el ciud'o José Ma. Armenta, hiso al terreno nombrado Punta de Pinos lo han examinado con la circumspecion qe. corresponde, teniendo al mismo tiempo presente la ley de 18 de Agosto de 1824, sus concordantes, las disposiciones generales qe. en 24 de Noviembre de 1828 dicto el supremo gobierno de la union pa. el mejor cumplimiento de la primera dictamen del espediente se ha penetrado la comision de la opinion qe. ya tenia de las de las escripolosidad y tuvo con qe. el Sor. Gefe sup'r politico lo mando instruir; de suerte qe. ni su su formacion estrabra algun requisito tresencial ni de las practicadas. Por lo decho concluyo la comiscion ofresciendo á la deliberacion de esta ex'ma deputacion la siguiente proposicion: 1a. Se aprueba la concession hech al ciud'o José Ma. Armenta del terreno nombrado Punta de Pinos concedido en 24 de Mayo en 1833 de entera conformidad con lo prevenido en la ley de 18 de Agosto de 1824, y el articulo 5o del reglamento de 21 de Noviembre de 1828.

Monterey, Mayo 10 de 1834.

CARLOS ANT. CARRILLO.
JOSE CASTRO.
JOSE T. ORTEGA.
JOSE A. ESTUDILLO.

11.—S. D. K.

MONTEREY, 17 *de Mayo de* 1834.

En sesion de este dia se aprovo pr. la ex'ma deputacion la proposicion del dictamen antecedente mandando se devuelva el espediente al Sor. Gefe sup. polc. para los fines consiguientes.

JOSE FIGUEROA.

JUAN B. ALVARADO, *Sec'rio.*

Monterey, Mayo 13 de 1833.

14 13.—S. D. K.

Sello tercero. [Place of seal in the original.] Dos reales.

Para los años de mil ochocientos veinte y seis y ochocientos veinte y siete.

MONTEREY, 18 *de D'bre de* 1834.

[Stamp in the original, of the years 1828 and 1829.]

[Stamp for 1830 and 1831.]

[Stamp for 1832 and 1833.]

[Stamp for 1834 and 1835.]

En vista de la aprovacion atorgada en 17 de Mayo ultimo, por la ex'ma deputacion territorial librese testimonial de ello y de este decreto á la parte de Sor. José Ma. Armenta en conformidad á la concession del terreno Punta de Pinos qe. obtuvo en 13 de Mayo de 1833. El Sor. Don José Figueroa, general de brigada comand'te general inspector y gefe superior politico de la Alta California asi lo mando decreto y firmo de que doy fé.

JOSE FIGUEROA.

AGUSTIN V. ZAMORANO, *S'rio.*

14.—S. D. K.

Testimonio.

15 Sea prueba la concesion echa al ciudadano José Maria Armenta, del terreno nombrado Punta de Pinos concedido en 24 de Mayo de 1833 de entera conformidad con lo prevenido en arto. 5o del reglamento de 21 de Nov'e de 1828. Monterey, 17 de Mayo de 1834. En sesion de este dia se aprovo p'r la ex'ma deputacion la proposicion del dictamen antecedento mandodo se devuelva el espediente al S'or gefe superior politico p'r los fines consiguientes.

JOSÉ FIGUEROA

JUAN B. ALVARADO, *Secret'o.*

MONTEREY, 18 *de Diciembre de* 1834.

En vista de la aprovacion otorgedo en 17 de Mayo ult'o p'r la ex'ma deputacion territorial, librese testimonio de esta y de este decreto a la parto del ciud'o José M'a Armenta en confermacion a la concession del terreno de Punta de Pinos qe. obtuvo en 13 de Mayo de 1833.

El Sr. D. José Figueroa, general de brigade, comand'to qe. inspector y gefe sup'r politico de la Alta California asi lo mando, decreto y firmo, de que doy fee.

JOSE FIGUEROA.

AGUSTIN V. ZAMORANO, *S'rio.*

15.—S. D. K.

Concuerda á la letra con su original del cual se hizo sacar el presente testimonio pa. resguardo de la parte interesada en Monterey á 18 de Diciembre de 1834. Siendo testigos los ciudadanos Bernado Navareto y Bonifacio de Madariaga de esta vecinidad.

En testimonio de verdad.

JOSÉ FIGUEROA.

AGUSTIN V. ZAMORANO, *Secret'o.*

OFFICE OF THE SURVEYOR GENERAL OF
THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and as such now having in my office and under my custody a portion of the archives of the former Spanish
16 and Mexican territory or department of Upper California, do hereby certify that the foregoing and hereunto annexed fifteen pages of tracing paper, numbered from one to fifteen inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents on file and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name officially, and affixed my private seal (not having a seal of office,) at
[SEAL.] the city of San Francisco, Cal., the 30th day of June, 1852.

SAM'L D. KING,
Surv'y'r Gen'l, Cala.

Filed in office Sept'r 22nd, 1852.

GEO. FISHER, *Sec'y.*

17 *Translation of expediente.*

JURISDICTION OF MONTEREY, (No. 4,) YEAR 1833.

Record of proceedings about the location called Punta de Pinos, solicited for his benefit by José Maria Armenta, a native of Agualulco, in the State of Jalisco.

(Several stamps.) 37.

Sir superior political chief:

José Maria Armenta, a native of Agualulco, jurisdiction of the State of Jalisco, and actual resident of this capital, with due respect, says before you, that having come to this territory as a mariner, forty-two years ago, he has maintained himself in the service of the army until, finding himself an invalid, he retired with this joy; and seeing himself now with a family involuntarily acquired in this country, and without resources sufficient to him for subsistence, he asked for the land which he actually possesses to the extent and situation shown in the sketch hereby duly accompanied, on which, (being granted in the year 827, by Echendea,) in order to make it fructifuorous, he has made some improvements of great magnitude superior to his advanced age; but as he has not any title-deed of acquisition, and there being a stranger having his homestead within the limits of said land, whose cattle must prejudice that of the petitioner, he, the petitioner, sees himself in the unavoidable case of supplicating you to be pleased by an act of your gooness to grant him the said land in ownership, and avoid that the stranger referred to keeps himself on the mentioned land.

Therefore I ask and pray you to conclude to accede to this solicitation, whereby I shall receive favor and grace.

I don't know how to sign.

(In the margin.)

18 MONTEREY, *February* 12*th*, 1833.

In conformity with the laws on the subject, the ayuntamiento of this capital will report whether the interested party possesses the requisites in order to be attended to in his solicitation; whither the land he claims is comprised between the twenty limiting or ten littoral leagues expressed in the law of 18th August, 1824; whether it has belonged, or does belong, to any particular property, corporation, or pueblo, or is known as vacant, with whatever else that might be conducive to illustrate the matter.

(Signed) FIGUEROA.

AGUSTIN V. ZAMORANO, *Secretary.*

MONTEREY, *March* 30*th*, 1833.

Sir superior political cheief:

The illustrious ayuntamiento of this capital, with the view of giving you the report you please to ask in your superior decree, referred the present solicitation to the committee on the subject of colonization and vacant lands, which presents the opinion ordered to be annexed to this espediente; and as its contents is what in this particular this corporation ought to report, it reproduces it in all its parts, returning the presents to you in compliance with the resolution agreed on in the session of 26th present.

MARCELINO ESCOBAR.

JOSE MARIA MALDONADO, *Secretary.*

MONTEREY, 13*th May*, 1833.

In view of the petition with which this espediente commences, the report of the municipal authority of this capital, with whatever else to be borne in mind, and was to the purpose, in conformity with the requirements of the laws and regulations on the subject, José Maria Armenta is declared owner in his own right of the land
19 known by the name of Pinal Cito, on the the western side of the bay of Monterey, subject to the conditions to be stipulated.

Let the corresponding document be issued, entered in the respective book, and let this espediente be directed to the excellent territorial deputation for its due approbation, in which case the intereste party, to whom this decree will be made known, will present anew his title-deed in order that it may be satisfied.

Don José Figueroa, commander, general inspector, and superior political chief of the territory of Alta California, thus did order, decree, and sign, of which I bear testimony.

JOSE FIGUEROA.

AGUSTIN V. ZAMORANO, *Secretary.*

Illustrious ayuntamiento:

The committee charged with delivering opinion on subjects of colonization and vacant lands, has, with circumspection, seen the solicitation of the citizen José Ma. Armenta, relative to his being granted in

ownership the location he actually and provisionally possesses, situate in the Point de Pinos, and as, in consequence of the decree of the political chief appearing in the margin, it ought to report in proportion to how it may be furnished with the little knowledge it has in the matter, represents: That the interested party is a Mexican citizen; that the land he claims is comprised in the ten littoral leagues, and to a larger extent belongs to the commons which, as is known, the excellent deputation marked out in the year 1830 for this village, and its confirmation remained pending until getting the supreme approbation. But there is a circumstance in favor of the claimant, which is that, with his assiduity and labor, he has improved it to much utility of this village; wherefore it submits to the deliberation of this illustrious confirmation the following proposition:

20 That the illustrious ayuntamiento report that the land possessed and claimed by the citizen Armenta can be granted provisionally, understood that when the ownership be declared to the excellent deputation, and with the supreme approbation, it be subjected to the arrangement which in this case may be made with the corporation.

Monterey, March 15, the 1833.

JOSE ARABAD.
JOSE ANTO. ROMERO.

José Figueroa, etc.:

Whereas José Maria Armenta, a native of Agualulco, in the State of Jalisco, has claimed for his personal benefit the land known by the name of Punta de Pinos, which comprises the coast side from La Punta de Avlones to La Punta de Cipreses, and runs back in a right line southwest-northeast, to the said Punto de Avalones, as is marked in the respective sketch, after having taken the necessary action, and made the necessary investigations, according to the requirements of the laws and regulations, in exercise of the powers vested in me in decree of the 13th inst., in the name of the Mexican nation, I have concluded to grant him the mentioned land, declaring it his property by the present letters patent, understanding said grant in entire conformity with the requirements of law, under reservation of the approbation or disapprobation of the excellent territorial deputation, and that of the supreme government, and under the following conditions:

1. That it be subject to the conditions which shall be established by the regulation to be made for the distribution of vacant lands, and that in the meanwhile neither the grantee nor his heirs shall have the power to divide or alienate what is adjudicated to him, nor subject it

21 to rent, entail, bond, mortgage, or any other incumbrance, though it be for a charitable purpose, nor to convey it into mortmain, subjecting it, besides, to the payment of the tribute that may be imposed if it should prove to belong to the commons of Monterey, when its boundaries be fixed.

2. He may fence it without prejudice to the crossings, roads, and

servitudes; he will enjoy it freely and exclusively, appropriating it to the use or culture that best may suit him; but within a year, at most, he will be build a house, to be inhabited.

3. When the ownership shall have been confirmed in him, he will soliicit of the respective judge to give him juridical possession in virtue of this document, by whom the boundaries are to be marked, in the extremities of which, besides the landmarks, he will put some fruit trees or wild ones of some utility.

4. The land mentioned is eight millones seven hundred and two thousand five hundred in area, or superficio in square varas, a little more or less, as is shown in the sketch joined to the espediente.

The judge who shall give the possession will cause it to be measured conformably to ordinance, in order to mark out the boundaries, leaving the surplus that may result to the nation for convenient purposes.

5. If he should violate these conditions he will lose his right to the land, and may be denounced by some other party.

Consequently, I order that these presents, serving him as a title-deed, and being held as firm and valid, it be entered in the corresponding book, and delivered to theinterested party, for his security and other purposes.

Given in Monterey, on the 24 of May, 1833.

JOSE FIGUEROA.

AGUSTIN V. ZAMORANO, *Secretary.*

Entered in the book of entry of titles on adjudication of vacant lands, on folio 4, No. 4, deposited in the archives of the secre-
22 tary's office, in my charge.
Monterey, May 24, 1833.

ZAMORANO.

The committee on colonization and vacant lands, to whom was referred the espediente instituted at the instance of the citizen José Ma. Armenta, claiming the land called Punto de Pinos, has examined it with the appropriate circumspection, at the same time bearing in mind the law of 18th of August, 1824, its sequel, and the general dispositions which the supreme government of the Union, under 24th of November, 1828, dictated for the better fulfilment of the first.

Under the examination of this expediente the committee has been strengthened in the opinion it always had of the scrupulosity and judgement with which the superior political chief has directed it, so that neither in its inception nor in its execution there has been deviated from any essential requisite.

Wherefore the committee concludes with submitting to this excellent deputation the following proposition:

1. It appears of the grant made to the citizen José Ma. Armenta of the land called Punta de Pinos, granted on the 24th of May, 1833,

in entire conformity with the provisions the law of 18th of August, 1824, and article 5th of the regulations of 21st of November, 1828.

Monterey, May 10, 1834.

JOSE ORTEGA CARLO.
JOSE A. ESTUDILLO.
ANTO. CARRILLO.
JOSE CASTRO.

MONTEREY, 17*th of May*, 1834.

It to-day's session the excellent deputation approved of the proposition of the foregoing opinion, ordering the espediente to be
23 returned to the superior political chief for convenient purposes.

JOSE FIGUEROA.

JUAN B. ALVARADO, *Secretary.*

MONTEREY, 18*th December*, 1834.

In view of the approbation granted on the 17th of May last, by the excellent territorial deputation, let a testimonial thereof and of this decree be issued to the party, José Maria Armenta, in confirmation of the grant of the tract of land, called Punta de Pinos, which he obtained on the 13th of May, 1833.

Don José Figueroa, brigadier general, commander general, "and" inspector and superior political chief of Upper California, thus did order, decree, and sign, of which I bear testimony.

JOSE FIGUEROA.

AGUSTIN V. ZAMORANO, *Secretary.*

Testimonial.

It approves of the grant made to citizen Jose Maria Armenta, of the land called Punta de Pinos, granted on the 24th of May, 1833, in entire conformity with the provisions of article 5th of the regulations of 21st of November, 1828.

MONTEREY, 17*th of May*, 1834.

In to-day's session the excellent deputation approved of the proposition in the foregoing decree, ordering the espediente to be returned to the superior political chief, for convenient purposes.

JOSE FIGUEROA.

JUAN B. ALVARADO, *Secretary.*

MONTEREY, 18*th of December*, 1834.

In view of the approbation granted on the 17th May last, by the excellent territorial deputation, let a testimonial thereof and of this decree be issued to the party, Jose Ma. Armenta, in confirma-
24 tion of the grant of the tract of land called Punta de Pinos, which he obtained on the 13th of May, 1833. Don José

Figueroa, brigadier general, commandant general, inspector and superior political chief of Upper California, thus did order, decree, and sign, of which I bear testimony.

JOSE FIGUEROA.

AGUSTIN V. ZAMORANO, *Sec'y.*

Conformable to the letter with the original from which the present testimonial was caused to be drawn, for the security of the interested party in Monterey, on the 18th of Dec., 1834, the citizen, Bernado Navareto and Bonifacio Madunaga, of this neighborhood, being witnesses.

In testimony of truth.

JOSE FIGUEROA.

A. V. ZAMORANO, *Secretary.*

Filed in office, Sept 8th, 1853.

GEO. FISHER, *Sec'y.*

25 Sello cuarto, dos reales.

Habilitado provisionalm'te por la aduana maritima del puerto de Monterey en el departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

MICHELTORENA.
PABLO DE LA GUERRA,
Por aus'a adm'or, GUILL'O ED'O HARTNELL.

En Monterey de la Alta California á los doce dias del mes de Junio de mil ochocientos cuarenta y cuatro, ante mi, Florencio Serrano, alcalde de 2o constit'n y juez de primera instancia, enterino de esta demarcacion y ante los testigos de asistencia con quienes actuo en la forma establecida por falta de escribano publico, á mas de los instrumentales de que al fin se hará mencion parecio de presente D'n Brigida Alvirez con sus hijos. José *José* Antonio y Cristobal Armenta cuyos personas doy fé conozco y digo la primera que por si y a nombre de los referidas hijos, herederos y subsesores y de quiene de ellos hubiere titulo voy y causa sede á Don José Abrego de esta misma vecinidad que tambien doy fé conozco el derecho q'e les asiste al terreno conocido con el nombre de Punta de Pinos que les pertenece en propiedad segun consta del titulo y posecion que obra en el espediente que presentaron y yo el juez: doy fé haber visto y mandé unir á la presente escritura: cuyo terreno esta libre de todo gravamen publico perpetuo, temporal, tacito ó espreso y como selo sede á d'ho Señor Abrego. Por cuya sesion han escribido la ortogante y sus hijos la cantidad de ciento sesenta y dos pesos a su entera satisfacion S desde hoy en adelante se desprende y dispoja para siempre del derecho posecion titulo recurso d'ho qualquiera que le competa al enunciado terreno y lo renuncia y traspasa al espresado S'or Abrego para que disponga de el como de cosa propia y le confiere poder
26 irrevocable con libre franca y general administracion para que de su autoridad aprende la tenencia y posecion que por derecho le competo. Ya la observancia y validacion de todo lo referido

obliga la otorganto sus vienes presentes y futuros y con ellos se somete al fuero y jurisdicion de los Señores Jueces que de sus causos puedan y deben conocer conforme a d'ro para que á su cumplimiento lo compelan y apremien por toda via ejecutiva como sentencia dad consentida y pasada en autoridad de cosa juzado y sentenciada que por tal la reputa renuncia las leyes que en el caso le favorescan y la general del d'ro en forma. En cuya testimonio asi lo ortogo y firmaron ruego á los interesadas los C. C. Manuel Castro, Vicente Gomez, J. Antonio Chaves y Esteban de la Torre presentes y vecinos siendo los instrumentales, los tres primeros firmando, y con los de assistencia de que doy feé.

FLORENCIA SERRANO.
VICENTE GOMEZ.
MANUEL CASTRO.
JOSE ANT'O CHAVES.

AMBROSIO GOMEZ, de asistencia.
ANTONIO SERNA, asistencia.

Es copia sacada frelmente de su original hoy dia su ortorgamiento.

Sello cuarto, dos reales.

Habilitado provicionalm'te por la aduana maritima del puerto de Monterey, en el departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos y cinco.

MICHELTORENA.
PABLO DE LA GUERRA.
Por aus'a del admo'r, GUILL'O ED'O HARTNELL.

Siendo testigos de verla copiar corregir y consertar el C'no Ambrosio Gomez doy fé.

FLORENCIO SERRANO.
ANTONIO GOMEZ.

27 Derechos con el papel 5 ps., 4 rs. No. 4 H, Jusgado 2o y de 1a instancia.

Por cuanto Dn. Brigida Alvirez vinda de José Ma. Armenta y tutora alvacea de sus hijos menores ha probado ante mi Florencio Serrano, alcalde 2o en este jurisdicion qe. siendo dueña del terreno conocido con el nombre de Punta de Pinos rancho qe. se le concedio à su esposa, no tiene en lo absoluto con qe. formentarlo pr. cuya causa se halla abandonado y ne aun lo occupa y como á mas se encuentra en la suma necesidad de ne tener ni con que alimentarse ni alimentar á sus hijos hechas pr. este juzgado las aberiguaciones correspondientes, se le faculta pa. qe. pueda enagenarlo vendiendo el derecho qe. á d'ho terreno le asiste, asi yo el citado juez lo provei y firme en Montrey á 15 de Mayo de 1844.

FLORENCIO SERRANO.

No. 5 D.—Sello cuato, dos reales.

Habilitado provisionalm'to porla aduana maritima del puerto de Monterey en el departamento de las Californias para los años

de mil ochocientos cuarenta y cuatro, y mil ochocientos cuarenta y cinco.

MICHELTORENA.
PABLO DE LA GUERRA,
Por aus'a del adm'or, GU'LLO ED. HARTNELL.

[SELLO.] El ciuda'do Manuel Micheltorena general de brigada del ejercito Mejicana, ayudante g'ral del mismo gobernador comand'te g'ral é inspector del departamento de Californias:

Por cuanto D'n José Abrego ha adquiride legalmente el d'ho concesion, y posecion qe. obtuve José Maria Armenta del terreno conocido con el nombre de Punta de Pinos que comprende la parte de costa desde la Punta de Aulones hasta de la cipreses vuelve por la linea recta S. O. á N. E. á la referida Punta de Aulones y habiendo se practicadas las diligencias correspondientes he venido en declarar en confirmacion dueño de d'ho parage al mencionado D'n José Abrego sugetandose a las condiciones siguientes: 1a. No podra venderlo, enagenar lo ni hipotecarlo. 2a. Podra cercarlo sin perjudicar las travecias caminos y servidumbres, lo disfrutara libre y exclusivam'te destinandole al uso ó cultivo que mas le acomode. 3a. El terreno de que se hace donacion es de la estencion que demuestra el deseño respectivo y segun la posecion juridica que y se tiene dada. 4a. Si contraviniere á estas condiciones perdera su derecho al terreno y sera denunciado por otro. En consecuencia mando que serviendole de titulo el presente se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado in Monterey á cuartro de Octubre de mil ochocientos cuarenta y cuatro.

MAN'L MICHELTORENA.

MAN'L JIMENO, *S'rio.*

Queda tomada razon de este despacho en el á que corresponde á forgas 10.

JIMENO.

[Here follows map, marked original, page 28.]

29 El que subscribe secretario del despacho certifica, que el diceño que se demuestra á la vuelta es igual al original que esta agregado al espediente respectivo de la consecion que el Señor Gobernador D'n Manuel Micheltorena y comand'te g'ral hizo de la Punta de Pinos á favor del Señores D'n José Abrego en cuatro de Octubre de mil ocho cientos cuarenta y cuatro.

MAN'L JIMENO.

No. 7 E.

En el puerto de Monterey, California, á los quince dias del mes de Enero de mil ochocientos y cincuenta ante mi Felipe Roach, alcalde 1o de este lugar y por ante los testigos de asistencia pacieron Don José Abrego y su esposa Doña Josefa Estrada vecinos del mismo lugar á quienes doy fé conozco y dijeron que por si y a nombre de sus herederos y susesores venden y dan en venta solemne

y enagenacion perpetua por juro de heredad para siempre jamas el derecho y accion que por las adjuntas titulos tienen al terreno conocido con el nombre de Punta Pinos comprada à doce de Junio, 1844, à Doña Brigida Alvarez con sus hijos José, José Antonio, y Christovat Armenta y comprende la parte de la Costa desde la Punta de Aulones hasta la de Sipreces y vuelva por la linea recta sur oeste à nor este à la referida Punta de Aulones. Ya demas que en cuatro de Octubre de mil ochocientos cuarenta y cuatro el Gobernador Don Manuel Micheltorena espidio un nuevo titulo à favor de Don José Abrego à vista de la concesion adquirida de José Maria Armenta sugeto a nueves condiciones à los S'res Milton Little, Jacobo P. Leese, Santiago Gleason, y Tomas O. Larkin, en la cantidad de treinta mil pesos en plata que ya estan recibidos à nuestra entera satisfacion declarando no tenerlo vendido ne enagenado renunciando cualesquiera derecho que pudieron tener.

En sequida pasando à pieza separado lei la antecedente escritura à la espresada S'ra Doña Josefa Estrada y declaro ser de su
30 voluntad la dicha venta no habiendo sido forzado por parte de su esposa. Y para su cumplimiento y validacion formaron conmigo y los de asistencia segun derecho.

JOSÉ ABREGO,
JOSEFA ESTRADA.

Assa.: FRAN'CO MILA.
De assa.: MANUEL CASTRO.

[SEAL.]

PHILIP A. ROACH,
Alcalde.

Filed in office Dec. 31st, 1852.

GEO. FISHER, *Sec'y.*

31 *Translation of grant and mesne conveyances.—Translation of act of sale.*

In Monterey, in Alta California, on the 12th day of the month of June, 1844, before me, Florencio Serrano, 2nd alcalde constitutional, and justice of the first instance *ad interim* of this demarcation, and before the attesting witnesses, with whom I act in due form for want of a notary public, besides those instrumental, of whom to that purpose shall be made mention, appeared in my presence Da. Brigida Alvirez, with her sons, José, José Antonio, and Christobal Armenta, which persons I attest that I know; and the first named said that for herself, and in the name of the said sons, heirs and successors, and whom of them shall have title, voice, and cause, she cedes to Don José Abrego, of this same neighborhood, whom also I attest that I know, the right which may favor them to the land known by the name of Punta de Pinos, which belongs to them in right of property, as is shown by the title-deed and possession that is annexed to the expediente they presented, and which I, the justice, attest to have seen and ordered to unite to the present writing; which land is free

from all incumbrance, public, perpetual, temporal, tacit, or expressed, and as such it is ceded to said Sr. Abrego, for which concession the grantor and her sons have received the sum of 162 dollars, to her entire satisfaction.

And from to-day forward, always, the right, possession, title, recourse, or other, to whichsoever competition to said land is released and relinquished; and she renounces and transfers it to the said Sr. Abrego, in order that he may dispose of it as a thing of his own; and she confers on him inviolable possession, with free and general administration, so that he may seize by his authority the tenancy and possession that by right is due to him.

And for the assurance and maintenance of all the aforesaid, the grantor obliges herself, in her goods, present and future, and
32 therewith she subjects herself to the statutes and jurisdiction of the justices, that from the causes they may and must know conformable to law for her compliance, they can compel and restrict her by all executive means as judgment given, consented, and possessed on authority of a writ adjudged and sentenced, whereby she abides.

She renounces the laws that in such case may favor her, and the formal law in general.

In testimony of which, she thus consented, and in the name of the interested parties, signed the citizens Manuel Castro, Vicente Gomez, J. Antonio Chaves, and Esteban de la Torre, present and neighbors, the three first being the instrumental, I signing with the assistants, of which I give testimony.

FLORENCIO SERRANO.
MANUEL CASTRO.
JOSÉ ANTONIO CHAVES.
VICENTE GOMEZ.
AMBROSIO GOMEZ.

Assistant: ANTONIO LARIA.
Assistant: —— ———.

This is a copy faithfully drawn from its original to-day of his grant, the citizen Ambrosio Gomez being a witness of seeing it copied, corrected, and compared; which I attest.

FLORENCIO SERRANO.

AMBROSIO GOMEZ.

Fees, with the paper, $5, 4 reales.

SECOND JUSTICES' COURT, AND OF FIRST INSTANT.

Whereas Da. Brigida Alvirez, widow of José Ma. Armenta, and testamentary tutoress of her minor sons, has proved before me, Florencio Serrano, 2d alcalde in this jurisdiction, that, being owner of the land known by the name of Punta de Pinos, a rancho granted to her husband, she has absolutely not the wherewithal to stock it, for which reason it is found abandoned, and not even occupied; and as,
33 besides, she finds herself in the urgent necessity of not having the wherewithal to support herself nor her sons; after, by this

justices' court, the necessary investigations have been made, she is vested with the power to alienate it, seeing the right which she has to said land. Thus did I, the said judge, provide and sign, in Monterey, 10th of May, 1844.

FLORENCIO SERRANO.

Translation of grant.

The citizen Manuel Micheltorena, brigadier general of the Mexican army, adjutant general of the same, governor, commandante general and inspector of the department of the Californias:

Whereas Don José Abrego has legally acquired the right, concession, and possession that José Ma. Armenta obtained of the land known by the name of Punta de Pinos, which comprises the coast side from La Punta de Aulones to that of Sipreces, and returns by the right line L, and southwest to northeast to the said Punta de Aulones, and having taken the corresponding action, I have concluded to declare, and do declare and confirm, the mentioned D. José Abrego owner of said location, subject to the following conditions:

1. He shall not have the power to alienate it nor mortgage it.
2. He may fence it without prejudicing the crossings, roads, and servitudes; he will enjoy it freely and exclusively, appropriating it to the use or culture that best may suit him.
3. The land donated is of an extent shown in the respective sketch and according to the juridical possession which he has already been given.
4. If he should violate these conditions he shall lose his right to the land, and shall be denounced by any other.

Consequently I order that, this serving him as a title-deed, an entry be made of it in the respective book and delivered to
34 the interested party for his security, and other purposes.

Given in Monterey, 4th October, 1844.

MAN'L MICHELTORENA.

MAN'L JIMENO, *Secretary.*

This document has been entered in the corresponding book, on folio 10.

JIMENO.

Sketch.

The subscriber, secretary of state, certifies that the sketch exhibited on the reverse is a likeness of the original that is annexed to the respective expediente of the concession which the governor, Dn. Manuel Micheltorena, and commandante general, made of the Punta de Pinos in favor of Sr. D. José Abrego on the 14th of October, 1844.

MAN'L JIMENO, *Sec'y.*

In the port of Monterey, California, on the fifteenth day of the month of January, 1850, before me, Felipe Roach, 1st alcalde of this place, and before the attesting witnesses, appeared Don José Abrego

and his wife, Doña Josefa Estrada, residents of the same place, whom I attest that I know; and they said that for themselves, and in the name of their heirs and successors, sell and give, in solemn sale and alienation, perpetual pro jura, in right of inheritance, for always and ever, the right and action that by the adjoined title-deeds they have to the land known by the name of Punta Pinos, bought on the 12th of June, 1844, of Doña Brigida Alvirez, with her sons, José, José Antonio, and Christobal Armenta, and comprises the side of the coast from La Punta de Aulones to that of Cipreses, and *and* back
35 to the right line southwest to northeast, to the said Punta de Aulones.

And, besides, on the fourth of October, 1844, the governor, Don Manuel Micheltorena, despatched a new title in favor of Don José Abrego, in view of the concession acquired by José Maria Armenta, subject to new conditions, to Milton Little, Jacob P. Leese, Santiago Gleason, and *and* Thomas O. Larkin, in the sum of thirty thousand dollars in silver, which is already received to our entire satisfaction.

Declaring not to have sold or alienated it, renouncing whatever right they might have, therefore I proceeded to see her separately, and read the foregoing writing to said Sra. Doña Josefa Estrada, and she declared the said sale to be of her free will, not having been forced thereto from the part of her husband; and for its fulfilment and confirmation they signed, with me and the assistants, according to law.

JOSÉ ABREGO.
JOSEFA ESTRADA.

Asst.: F'co Mila.
Asst.: Manuel Castro.

PHILIP ROACH, *Alcalde.*

Filed in office September 22d, 1853.

GEO. FISHER, *Secretary.*

36 *Amended petition.*

To the honorable board of United States land commissioners for ascertaining and settling private land claims in the State of California:

Your petitioners, Jacob P. Leese, Milton Little, and Santiago Gleason, hereby amending the original petition addressed to this honorable board, by constituting the said Milton Little and Santiago Gleason joint claimants in this case with the said Jacob P. Leese himself, represent and pray as in said original petition.

THORNTON & WILLIAMS,
For Petitioners.

Filed in office May 9th, 1853.

GEO. FISHER, *Secretary.*

37 *Affidavit and motion.*

JACOB P. LEESE
vs.
THE UNITED STATES. } No. 353.

J. Clark, the attorney of the claimant of record, maketh oath that the mesne conveyances from T. O. Larkin to claimant was omitted to be filed from *inadvertence*, neither the attorney for the United States nor the attorney for the claimant having adverted to the fact.

That said link in the chain of title was wanting, said conveyance having been executed, proved, and recorded in conformity with the statutes of California, long before this claim was filed.

J. CLARKE.

Sworn to and subscribed before me Jan. 10th, 1854.

R. AUG. THOMPSON,
Commissioner.

Filed in office January 17th, 1854.

GEO. FISHER, *Secretary.*

38 *Motion and order.*

JACOB P. LEESE
vs.
THE UNITED STATES. } No. 353.—For the place called Punta de Pinos.

This day came the claimant, by his attorney, and filed the following affidavit:

(Here insert the affidavit of Jacob P. Leese.)

And therefore moved the board for leave to amend the petition filed in this case, by making Milton Little and Santiago Gleason joint claimants therein with the said Jacob P. Leese; which motion was granted by the board.

Filed in office May 9th, 1854.

GEO. FISHER, *Secretary.*

JACOB P. LEESE
vs.
THE UNITED STATES. } Before the U. S. board of commissioners.—Claim No. 353, for the place called Punta de Pinos, in Monterey county.

STATE OF CALIFORNIA,
County of Monterey, ss:

On this twenty-first day of April, in the year 1854, personally appeared Jacob P. Leese, known to me to be the person referred
39 to in the case above mentioned, who, being by me first duly sworn, doth depose and say:

That he is the claimant named in the above-entitled cause, but that he is not and has never, in fact, intended to be the sole owner or claimant of the lands therein sought to be confirmed.

That this affiant and Milton Little, Santiago Gleason, and Thomas O. Larkin are the purchasers of the said tract of land from José Abrego, and that the deed of conveyance is now on file in this said case, before the said board of commissioners, showing this fact.

That this affiant claims only an undivided half of the said tract, and that his title thereto is derived from the said deed of conveyance from José Abrego to himself and the other purchasers above named, conveying to this affiant the undivided fourth part thereof, and from the deed of conveyance, also on file in the said case, from the said Thomas O. Larkin, conveying to this affiant another undivided fourth part thereof, and that, in truth and in fact, the other moiety of all said tract is owned or claimed by co-tenants where title is derived from the same original source as his own, and that the names of his co-tenants ought to have been mentioned and set out in the petition before the said commissioners, for confirmation thereof.

That he handed the papers referred to in the petition to the attorney, whom he had employed for himself and his co-tenants at his own and their equal proportional expense, and with their consent, and instructed the said attorney to present the same in behalf of this affiant and his co-tenants, according to their respective interests, that is, one half for this affiant and the other half thereof for his co-tenants; that the said attorney, by casuality, as he is informed, has filed the claim for the whole tract of land in the name of this affiant only, contrary to what this affiant desired, and without the fault of this affiant or his cotenants of the said land, and that the other parties in interest ought, in justice, to be jointly made parties claimants with this affiant in this said claim.

JACOB P. LEESE.

Duly subscribed and sworn to before me, on this 21st day of April, A. D. 1854.

[L. S.]

A. S. TAYLOR,
Clerk of the U. S. District Court
for the Southern District of California.

Filed in office May 9th, 1854.

GEO. FISHER, *Sec'y.*

Deed from T. O. Larkin to Jacob P. Leese.

Know all men by these presents that I, Thomas O. Larkin, late of Monterey city, California, now of New York city, State of New York, for and in consideration of three thousand dollars, to me in hand paid by Jacob P. Leese, of the said city of Monterey, the receipt whereof is hereby acknowledged, have this day and by these presents do grant, bargain, sell, and convey unto him, the said Jacob P. Leese, his heirs and assigns, all and singular whatever right, title, interest, and estate I may now have of, in, or to that certain tract, piece, or parcel of land, lying and being situate in the county of Monterey, State of California, and known as the rancho Punta de Pinos, under and by virtue

of a certain deed of conveyance, made by José Abrego and wife unto Milton Little, Jacob P. Leese, James Gleason, and Thomas O. Larkin, on the 15th day of January, A. D. 1850, and duly recorded in the book of records of the then municipality of Monterey, now in the recorder's office of Monterey county, at folio 125, and of a certain agreement recorded in said office, in book agreements a page 16, reference being had thereto more full and perfect description will appear: to have and to hold the said premises unto him, the said Jacob P. Leese, his heirs and assigns, as fully and completely as this day held by me under and by virtue of the deed of conveyance aforesaid.

Witness my hand and seal, at Monterey city, this eighth day of July, A. D. one thousand eight hundred and fifty-two.

THOMAS O. LARKIN. [SEAL.]

42 STATE OF CALIFORNIA,
County of Monterey, ss:

On this 8th day of July, A. D. 1852, before me, recorder in and for said county, came personally Thomas O. Larkin, to me known to be the person described in, and who, as grantor thereof, executed the foregoing conveyance, and he acknowledged to me that he had executed the same freely and voluntarily, and for the uses and purposes therein expressed.

Witness my hand and official seal the day and year lastly aforesaid.

[SEAL.]

WM. S. JOHNSON,
Recorder of Monterey County.

Received for record January 7th, 1854, a 4 p. m. Recorded in book B of conveyances, page 125.

JAS. H. GLEASON,
County Recorder, Monterey County,
[SEAL.]
Pr. EDWARD L. WILLIAMS,
Deputy do.

Filed in office January 17th, 1854.

GEO. FISHER, *Secretary.*

43 *Opinion of the board.*

JACOB P. LEESE *et al.*
vs.
THE UNITED STATES. } Case No. 353.—Punta de Pinos.

This claim was originally filed in the name of Jacob P. Leese alone for the whole tract of land known and claimed under the name of Punta de Pinos, while the mesne conveyances from José Abrego and wife, through which he derived his title, and which was filed in the case, disclosed the fact that he was only entitled to an undivided interest of one-fourth of the land claimed; the said conveyance having been made to the said Leese, Thomas O. Larkin, Milton Little, and Santiago Gleason, as tenants in common. After the lease was submitted, the said Leese, on motion, was allowed to file an additional

conveyance from Thomas O. Larkin to him, by which all the right, title, interest and estate of him, the said Larkin, in and to the premises were transferred to the said Leese; and subsequently, on motion, Milton Little and Santiago Gleason, the other two grantees under the deed from Abrego and wife, were allowed to come in on an amended petition as joint claimants with the said Leese.

The documentary evidence filed in the case consists of an original grant made to José Maria Armenta by Governor Figueroa on 24th of May, 1833, duly approved by the territorial deputation; a judicial act of sale by Brigida Alvirez, widow, and José, José Antonio, and Christoval Armenta, heirs and successors of the said José Maria Armenta, to Don José Abrego, of all their right in the said tract of land known as Punta de Pinos, dated June 16th, 1844; a new grant
44 from Governor Micheltorena to said Abrego, in confirmation of said act of sale and of the title thereby acquired, dated October 4th, 1844; and lastly, of the deeds of conveyance from Abrego to Leese and his co-tenants, dated January 15th, 1850, and from Larkin to Leese, dated July 8th, 1852, all of which are duly proved and authenticated.

The conditions of the grant appear from the evidence to have been fully complied with, and the descriptions contained in the grants and delineated on the maps, to which reference is made, are sufficient to identify and fix the location of the land granted with certainty and precision.

A decree of confirmation will accordingly be entered in favor of the claimants for their respective interests in the premises.

Filed in office, June 13th, 1854.

GEO. FISHER, *Secretary*.

45 *Decree of confirmation.*

JACOB P. LEESE, MILTON LITTLE, AND SANTIAGO GLEASON, *vs* THE UNITED STATES. } Case No. 353.—Punta de Pinos.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the petitioners is valid; and it is therefore decreed that the same be confirmed to the said claimants in the following shares and proportions, to wit:

To the said Jacob P. Leese, one undivided moiety; to the said Milton Little, one undivided fourth part; and to the said Santiago Gleason, one undivided fourth part of the premises so confirmed to them.

The land of which confirmation is made is situated in the county of Monterey, and is known by the name of Punta de Pinos, being the same which was granted to José Maria Armenta by Governor Figueroa on the 24th of May, 1833, and regranted and confirmed to Don José Abrego by Governor Micheltorena on the 4th of October, 1844, and is bounded as follows:

Commencing on the sea-coast or beach at the Punta de Aulones, and running along the coast around the Punta de Pinos to the Punta de Sipreces; thence by a right line from southwest to northeast to the place of beginning, being of the extent shown by the map annexed to the grant and filed with the papers in the case to which reference is made for a more particular description.

ALPHEUS FELCH,
R. AUG. THOMPSON,
Commissioners.

Filed in office June 13th, 1854.

GEO. FISHER, *Sec'y.*

46 And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the southern district of California, it is hereby ordered that two transcripts of the proceedings and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary.

One of which transcripts shall be filed with the clerk of the United States district court for the southern district of California, and the other be transmitted to the Attorney General of the United States.

47 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing forty-nine pages, numbered from one to 49, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 353 on the docket of the said board, wherein Jacob P. Leese is the claimant, against the United States, for the place known by the name of "Punta de Pinos."

In testimony whereof, I hereunto set my hand and affix my private [SEAL.] seal, (not having a seal of office,) at San Francisco, California, this fourteenth day of December, A. D. 1854, and of the independencc of the United States of America the seventy-ninth.

GEO. FISHER.

48 *Appeal notice.*

JACOB P. LEESE
vs.
THE UNITED STATES. } 353.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
Washington, 7th March, 1855.

You will please take notice that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of

California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 10th day of December, 1854, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

CUSHING, *Attorney General.*

Filed April 21st, 1855.

C. E. CARR, *Cl'k.*

49

50 *Motion and order.*

In the district court of the United States for the southern district of California, Hon. Isaac S. K. Ogier, judge.

On motion of P. Ord, attorney of the United States for the southern district of California, and on suggesting to the court that a notice of the intention of the U. States, by Hon. Caleb Cushing, Attorney General of the U. States, to appeal in the case of Jacob P Leese *vs.* The United States, (No. 165,) from the decision of the commissioners to ascertain and settle the private land claims in the State of California, has been filed inadvertently in the office of the clerk of this court, and that the said notice of appeal belongs to the said case now pending on appeal in the district court of the U. States for the northern district of California, it is ordered that the attorney of the United States be allowed to withdraw from the files of this court the said notice of appeal in said case, that it may be sent to the clerk of the district court of the United States for the northern dist. of Cal'a.

P. ORD, *Dist. Att'y U. S.*

Filed April 23rd, 1855.

C. E. CARR, *Cl'k.*

51

52 *Appeal notice.*

JACOB P. LEESE
vs.
THE UNITED STATES. } 353.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES.

You will please take notice that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 10th day of De-

cember, 1854, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

CUSHING, *Attorney General.*

Filed May 11th, 1858.

C. E. CARR, *Cl'k.*

53

54 *Petition of U. S. for review.*

In the district court of the United States for the southern district of California, city and county of Los Angeles, State of California.

JACOB P. LEESE, *et al.*, appellees, *vs.* THE UNITED STATES, appellants. } Docket No. 169.—Transcript No. 353.

To the Hon. Isaac S. K. Ogier, judge:

The petition of Pacificus Ord, a resident of said city, county, and State, attorney of the United States for the southern district of California, who petitions in this behalf for the United States, and being present here in court, in the name and behalf of the United States, represents as follows: That heretofore, to wit, on or about the 22d day of September, A. D. 1852, Jacob P. Leese, Milton Little, and Santiago Gleason presented a petition to the commissioness to ascertain and settle the private land claims in the State of California, when sitting as a board, claiming a tract of land called Punta de Pinos, in the county of Monterey, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit, on or about the 13th day of June, A. D. 1854, the said commissioners confirmed by final decision the said claim of said petitioner. That thereafter, to wit, on or about the 19th day of November, A. D. 1854, a duly certified transcript of the proceedings and decision of the said commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the office of the clerk of the district court of the United States for the southern district of
55 California, and marked No. 353, reference to which it is prayed may be had and made part of this petition. That on or about the 10th day of December, A. D. 1854, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said commissioners in said cause, and the papers and evidence on which said decision was founded. That thereafter, to wit, on or about the 21st day of April, A. D. 1855, the said Attorney General of the United States filed or caused to be filed, in behalf of the United States, a notice with the clerk of said district court of the United States that the appeal in said cause from the said decision of the said commissioners in the district court of the United States for the southern district of California would be prosecuted by the United States.

Your petitioner further represents that the land claimed as aforesaid is situate in the southern district of California, and within the jurisdiction of this hon. court. Your petitioner further represents and insists that the said claim is invalid, and the said decision of said commissioners is erroneous, and ought to be reviewed, reversed, and set aside, for many errors and imperfections of law and evidence apparent in said certified transcript of the proceedings and decisions of said commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies, all and singular, each and every allegation in the said petition of said claimants presented as aforesaid to said commissioners. And your petitioner further denies that the said claimants have any valid right or title to said land claimed as aforesaid, or any part thereof. And no sufficient proof having been made of the allegations in said petition to said commissioners, or in support of the said claim, no decision confirming the same should have been made by said commissioners, but the said claim should have been rejected by them. And the said claimants having no valid right or title derived from the Spanish or Mexican governments to
56 the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by and it now belongs to the United States by virtue of conquest, and the treaty of peace, friendship, limits, and settlement between the United States and the republic of Mexico, made at the city of Gaudalupe Hidalgo, February 2d, A. D. 1848.

Wherefore the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3rd, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant or their attorneys may be served with a copy of this petition; and that this honorable court will review the said decision of said commissioners and reverse the same, and decide on the validity of the said claim, and decree the alleged title to be invalid, with costs and general relief.

P. ORD.
Attorney of the United States for the Southern District of California.

Filed January 11th, 1858.

C. SIMS, *Cl'k*,
Per J. H. COLEMAN, *Dep.*

57 *Motion to dismiss appeal.*

In the U. S. district court for the southern district of California.

JACOB P. LEESE *et al.* *vs.* THE UNITED STATES. } No. 169.—Claim for the rancho "Punta de Pinos."

The said claimants, by att'y, D. S. Gregory, move the court to dismiss the appeal from the board of commissioners to this court, for

the reason that no notice of appeal was not filed with the clerk of this court within the time required by law, as appears from the records of this court.

D. S. GREGORY,
Att'y for Claim'ts.

Filed 15th of June, 1858.

C. SIMS, *Cl'k*,
Per J. H. COLEMAN, *Dep.*

58 *Answer.*

CALIFORNIA.

In the U. S. district court for the southern district of California.

JACOB P. LEESE, *et al.*
vs.
THE UNITED STATES. } No. 169.—Claim for Punta de Pinos.

The said appellees, by att'y, D. S. Gregory, come into court, and in answer to the petition of review heretofore filed by the U. S. dis't attorney in said cause, deny the allegations of the said petition of review that states that their title is not a good and valid title, and further say that the title to said tract of land is a good and valid title, and therefore pray that the same may be confirmed.

D. S. GREGORY,
Att'y for Appellees.

Filed 18th of June, 1858.

C. SIMS, *Cl'k*,
Per J. H. COLEMAN, *Dep.*

59

60 *Order for original papers from sur. genl's office.*

In the United States district court for the southern district of California.—Special January term, A. D. 1862.

THE UNITED STATES, appellants,
vs.
JACOB P. LEESE, appellees. } Transcript No. 353.—Docket No. 169.—Claim for "Point Pinos," situated in Monterey county.

On motion now in open court, made of D. S. Gregory, attorney for appellee in the above entitled cause, it is ordered by the court that the said appellee or his said attorney have leave to withdraw from the office of the United States surveyor general for the State of California all of the original mesne conveyances (not including the original grant or espediente) in said cause, on their depositing or

filing in said office correct certified copies of such conveyances to be certified by said surveyor general.

FLETCHER M. HAIGHT,
District of U. S. for the Southern District of California.

MONTEREY, *California, 6th March, A. D.* 1862.

Filed March 6th, 1862.

JOHN O. WHEELER, *Cl'k.*

61

62 *Consent of J. P. Leese to substitution of parties.*

In the United States district court for the southern district of California.

JACOB P. LEESE, *et al*, appellees, *vs.* THE UNITED STATES, appellants. } Docket No. 169.—Transcript No. 353. — Claim for the rancho "Punta de Pinos."

I hereby consent that the name of Henry De Graw be substituted as appellee in place of my own name in the above-entitled cause.

J. P. LEESE.

28TH APRIL, A. D. 1862.

STATE OF CALIFORNIA,
Monterey County:

D. S. Gregory, being by me sworn, deposes and says that the foregoing signature of Jacob P. Leese to the above consent is the genuine signature of the said Leese, and was subscribed thereto this day in the presence of this deponent.

Sworn to and subscribed before me this 28th day of April, A. D. 1862.

JOHN O. WHEELER,
Cl'k U. S. Dis't Court, South'n Dis't of Cal'a.

Filed April 28th, 1862.

JOHN O. WHEELER, *Cl'k.*

63

64 *Deed—Jacob P. Leese to Henry De Graw.*

This indenture, made the ninth day of June, A. D. one thousand eight hundred and fifty-seven, between Jacob P. Leese, of the first part, of the county of Monterey, and State of California, and Henry De Graw, of the same place, of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of four thousand five hundred dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, have remised, released, and quitclaimed, and by these presents do remise, release, and quitclaim

unto the said party of the second part, and to his heirs and assigns forever, all of my right, title, claim, interest, and demand at law or equity, in possession or expectancy, in and to that certain tract or parcel of land lying and being situated in said county, and bounded and described as follows: Beginning at a point on the Bay of Monterey, at a point known as Point Aulones; and thence following along the sea beach of the Pacific ocean around the point to Point Cipress; thence in a direct line in a northeasterly course to the place of beginning; said tract of land containing two leagues, more or less, and being known as rancho "Point Pinos."

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. And also all the estate, right, title, and interest, property, possession, claim, and demand whatsover, as well in law as in equity of the said part of the first part of, in, or to the above described premises and every part and parcel thereof, with the appurtenances.

To have and to hold all and singular the above-mentioned and described premises, together with the appurtenances, unto the
65 said party of the second part, heirs and assigns forever.

And I, the said Jacob P. Leese, for myself, my heirs, executors, and administrators and assigns, do hereby covenant and agree with the said Henry De Graw, his heirs, executors, administrators, and assigns, that I will, and my heirs, executors, and administrators shall, warrant and defend the same to the said De Graw, his heirs and assigns, forever, against all liens orincumbrances done or suffered by myself, but against no others whatsoever. The printed words on first page from "in witness whereof," to "in the presence of," inclusive, erased, and the word forever interlined before execution.

In testimony whereof, I have hereunto set my hand and seal date above written.

JACOB P. LEESE. [SEAL.]

Signed, sealed, and delivered in presence of—
D. S. GREGORY.

STATE OF CALIFORNIA,
County of Monterey, ss:

On this ninth day of June, A. D. one thousand eight hundred and fifty-seven, before me, Edw. L. Williams, recorder in and for said county, personally appeared Jacob P. Leese, to me personally known to be the individual described in and who executed the annexed instrument, and acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

[SEAL. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

EDW. L. WILLIAMS.
County Recorder.

66 Rec'd for record June 9th, 1857, at 10 o'clock a. m., and recorded in book C of conveyances, on page 111 and following.
EDW. L. WILLIAMS,
Recorder, Monterey County.

Filed April 28th, 1862.

67

68 *Order of substitution of parties.*

In the United States district court for the southern district of California.

INTERMEDIATE TERM, JANUARY, A. D. 1862.
Monterey, Monday, April 28th, 1862.
Hon. Fletcher M. Haight.

JACOB P. LEESE *et al.*, appellees, *ads.*
THE UNITED STATES, appellants.
} No. 169, D. C.—No. 353, L. C.—"Punto de Pinos."

On motion of D. S. Gregory, attorney for appellees in the above-entitled suit, he having filed in this court a deed from Jacob P. Leese, one of the original claimants in said cause, to Henry De Graw, conveying to said De Graw all of his, the said Leese's interest in the land claimed in this cause; and also the written consent of the said Leese thereto, and B. C. Whiting, U. S. dist. att'y for the south'n district of Cal'a, now being present in court, and not objecting thereto:

It is ordered by the court that the said Henry De Graw be substituted as one of the appellees in this cause in place of said Jacob P. Leese; and that in all further proceedings herein the name of the said Henry De Graw be used instead of the name of the said Jacob P. Leese.

And it is ordered, further that the respective parties have leave to take further testimony in this case.

69

70 *Deposition of J. P. Leese in behalf of claim'ts.*

U. S. dist. court, southern dist. of Cal'a.

HENRY DE GRAW, substituted for Jacob P. Leese *et al.*, appellees, *ads.*
THE UNITED STATES, appellants.
} No. 169.

Be it remembered that on this 29th day of April, A. D. 1862, at Monterey, in the district aforesaid, before me, John O. Wheeler, clerk of the United States district court for the southern district of California, and ex officio U. S. commissioner, duly authorized to take depositions in civil cases depending in the courts of the United States pursuant to the acts of Congress in that behalf, appeared Jacob P. Leese, a

witness produced on behalf of the appellees in the above entitled cause, now pending in said court under the acts of Congressto ascertain and settle private land claims in the State of California, who, being duly sworn, testifies as follows, his testimony being given in English.

Present: Durell S. Gregory, att'y for appellees, and B. C. Whiting, esq., U. S. dist. att'y, on behalf of the United States.

Questions by att'y for appellee.

Question 1st. What is your name, age, and place of residence?

Ans. 1st. My name is Jacob P. Leese; age, 53 years; and residence Monterey, Cal'a.

Quest. 2d. Are you one of the original claimants in the suit of J. P. Leese *et al. vs.* The United States, for the lands of Point Pinos, being case No. 169 on the docket of the U. S. district court for the southern dist. of Cal'a, and have you any interest therein at this time?

71 Ans. I was one of the original claimants therein, but have no interest in it at the present time.

Quest. Have you ever examined the original grant of the land in this case now on file in the office of the surv. gen'l of the U. S. for Cal'a, being a grant made in 1844 by Gov. Micheltoreno to José Abrego?

Ans. I have examined the original grant from Micheltorena to José Abrego made in 1844, which grant I presented myself to the board of land commissioners for confirmation; I have not seen it since.

Ques. What do you know of the genuineness of the signatures of Manuel Micheltorena and Manuel Jimeno appearing therein?

Ans. I believe the signatures of Manuel Micheltorena and Manuel Jimeno as his secretary, wherever they appear therein, to be their genuine signatures, as I have seen them write and am familiar with their signatures.

Quest. Is Man'l Jimeno now living; and if not, where did he die?

Ans. I believe he is dead. He died in the city of Mexico in the winter of '52 or '53; from general report also I believe Gov. Micheltorena is dead.

Quest. What do you know, if anything, relative to the occupancy of the land known as Punta de Pinos since 1844; and by whom occupied?

Ans. In 1847 it was occupied by José Abrego, which occupation continued up to the year 1850, when he sold to Thomas O. Larkin, myself, James H. Gleason, and Milton Little; from which time it has been occupied by myself and the gentlemen above mentioned, and my assignees to the present time.

Quest. About how much land is there within the boundaries mentioned in the grant, more or less?

Ans. All that I know about it is obtained from the juridical possession given of the land by David Spence. From a calculation I have made, according to the boundaries set forth in said juridical

72 possession and diseño, there is about 6,000 acres. But from my acquaintance of the land, I should not think there were more than 4,000 acres. I know the land well, having frequently been over it.

Quest. State whether you ever presented any other grant for said land to the board of commissioners, and also what you know relative to the genuineness of the signatures of the persons making such grant appearing therein.

Ans. No, I did not present any other grant; there was an original grant made to Armenta, previously to the one made to Abrego, for the same land which was before the land comm'rs; the signature of Gov. Figueroa, who granted it, appearing thereon, is genuine, as I believe; I was familiar with his signature.

Quest. What improvements, if any, were there upon the land when you purchased it?

Ans. When we purchased it we also purchased with it the horses and cattle, and the house and corral which were then on it.

Ques. Was there any one living in the house, and if so, who?

Ans. The servant of Mr. Abrego, who had charge of the rancho; the name I do not recollect.

Quest. Where did Abrego himself live?

Ans. He lived in Monterey, not on the rancho.

Quest. How far are these lands from the city, (Monterey,) and are they in this county?

Ans. The lands are on the western boundary of this city and of course in the county of Monterey.

Quest. Is the gov't light-house on this ranch?

(Question objected to by claimant's att'y.)

Ans. It is.

Quest. When was it built?

(Objected to by claimant's att'y.)

Ans. I believe in 1851 or 1852, before I sold out.

Quest. Was the light-house built there, by government, by
73 and with your knowledge and consent?

Ans. It was erected there by my knowledge, but not with my consent; and also with the knowledge of the other owners.

Ques. Did you or any of the owners, with your knowledge, object to the erection of the light-house by government?

Ans. Act the act of building the light-house I made objections myself; this was done verbally to the superintendant who made the selection; he told me not to be uneasy, as I would be remunerated. I was willing for him to select a place down upon the beach, but did not wish him to take the site now occupied. Government has occupied the place for a light-house ever since.

J. P. LEESE.

Sworn to and subscribed before me this 29th day of April, A. D. 1862.

JOHN O. WHEELER,
Cl'k ex. officio U. S. Com'r.

Filed April 29th, 1862.

JOHN O. WHEELER, *Cl'k.*

74 *Exhibit J. O. W. No.* 3.

No. 1 F.

Sello cuarto dos reals.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey en el departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

MICHELTORENA.

PABLO DE LA GUERRA,
Por aus'a del Adm'or.
GUILL'O ED'O HARTNELL.

{ Ad'a Marit'o de Monterey. MEXICAN EAGLE. } En Monterey de la Alta California á los doce dias del mes de Junio de mil ochocientos cuarenta y cuatro, ante mi, Florencio Serrano, alcalde 2o constut'al y juez de primera instancia interino de esta demarcacion, y ante los testigos de asistencia con quienes actuvo en lo formas establicido, por falta de escribino publico, à mas de las instrumentales de que al fin se hara mencion, parecio de presente Da. Brigida Alvirez, con sus hijos, Josè, Josè Antonio y Christobal Armenta, cuyos personas doy fé conozco y digo la primera que por si y a nombre de los referidas hijos, herederos y subsesores y de quien de ellos hubiere titulo voz y causa se de à Dn. Josè Abrego de esta misma vecinidad que tambien doy fe conozco, el derecho que les asisto al terreno conocido con el nombre de *Punta de Pinos* que les pertinere en propiedad segun consta del tituto y posecion que obre en el espediente que presentaron, y yo el juez doy fé habre visto y mandé unir à la presente escritura. Cuya terreno esta liber de todo gravamen publico, perpetua, temporal, tacito ò espreso y como se lo sede a d'ho Señor Abrego.

F. No. 2.

Por cuya sesion harè recibido la ortogante y sus hijos la cantidad de ciento sesenta y dos pesos à su entera satisfacion. Y desde hoy en adelante se desprende y despoja para siempre del derecho
75 posecion, titulo vecarso á otro cualquiera que la competo al enunciado terreno y lo renuncio y traspaso al espresado Sor. Abrego, para que disponga de el coma de cosa propia, y le confiere poder irrebocable con libre franca y general administracion para que de su autoridad aprender la tenencia y posecion que por derecho le compete. Ya la observancia y validacion de todo lo referido obliga la otorgante sus vienes presentes y futuros y con ellos se somete al fuero y jurisdiccion de los señores jueses que de sus causas pueden y deban conocer conforme à d'ro para que á su cumplimiento lo competen y apremien por toda sin egecutira como sentencia dada consentida y parada en autoridad de cosa juzgada y sentenciada que por tal la reputa renunciar las leyes que en el caso le favorescan. En cuya testimono asi lo ortorgo y firmaron o ruego de los interesados

los C. C. Manuel Castro, Vicente Gomez, I. Antonio Chaves y Esteban de la Torre presentes y vecinos, siendo las instrumentales los tres primeras firmando yo con los de asistencia de que doy fé.

FLORENCIO SERRANO,
MANUEL CASTRO,
VICENTO GOMEZ,
JOSE ANTONIO CHAVES.

De asistencia: AMBROSIO GOMEZ,
Asistencia: ANTONIO LIMA.

Es copia sacada fielmente de su original hoy dia de su otorgamiento.

No. 3, F.

Sello cuarto, dos reales.

Habilitado provisionalmento por la aduana maritima del puerto de Monterey en el departamento de las Californias para los años de mil ochocientos cuarenta y cuarto y mil ochocientos cuarenta y cinco.
MICHELTORENA.

{ Ad. Marit'a de Monterey. EAGLE. }

PABLO DE LA GUERRA,
Por aus'a del Adm'or.
GUILL'O ED'O HARTNELL.

76 Siento testigo de verla copia corregir al C'no Ambrosio Gomez doy fé

FLORENCIO SERRANO.

AMBRO I GEMEZ.

Derechos con el papel, 5 p., 4 rs.

No. 4, H.

Juzgado 2o y de 1a de instancia.

Por cuanto D'n Brigida Alvirez, virida de José Ma. Armenta y tutorá alvaced de sus hijos menores ha probado ante mi, Florencio Serrano, alcalde 2o en esta jurisdicion qe. siendo dueña del terreno conocido con el nombre de Punta de Pinos, rancho qe. se le concedio à su esposo no tieno en lo absoluto con qe. formentarlo pr. cuya causa se halla avandonado y ni aun lo ocupa y como à mas se encuentra en la suma necesidad de no tener ni con que alimentarso ni alimentar à sus hijos, hechas pr. este juzgada, las aberiguaciones correspondientes se le faculta pa. qe. pueda enargenarlo, vendiendo el derecho qe. à d'ho terreno le asisto. Asi yo el citado juez lo provei y firmé en Monterey, à 15 de Mayo de 1844.

FLORENCIO SERRANO.

77 Sello cuarto, dos reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

{ Ad'a Maritima de Mont'y. EAGLE. }

PABLO DE LA GUERRA,
Por aus'a del Adm'or.
GUILL'O ED'O HARTNELL.

MICHELTORENA.

El ciudadano Manuel Micheltorena, general de brigada de ejercito Mejicano, ayadante g'ral del mismo, gobernador comand'te g'ral é inspector del departamento de Californias.

Por cuanto D'n José Abrego, ha adquirido legalmente el d'ho concesion y posecion que obtuvo José Maria Armenta, del terreno conocido con el nombre de Punta de Pinos, que comprende la parte de costa desde la Punta de Aulones hasta la de sipreces y vuelve por la linea recta S. O. à N. E., à la referido Punta de Aulones y habiendose practicado las diligencias correspondientes he venido en declarar y declaro en confirmacion dueño de d'ho parage al mencionado D. José Abrego sugetandose à las condiciones siguientes.

1a. No podra venderlo enagenarlo, ni potecarlo.

2a. Podrar cercarlo sin prejudicar las travesias caminos y servidumbres; lo disfrutara libre y exclusivamente destinandolo al uso cultivo que mas le acomode.

3a. El terreno de que se hace donacion es de la estencion que demuestra el diseño respectivo y segun la posecion juridica que ya si tiene dada.

4a. Si contraviniere estas condiciones perderá su derecho al terreno y sera denunciado por otro.

En consecuencia mando que sirviendole de titulo el presente
78 se tome razon de él, en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey a cuatro de Octubre, de mil ochocientos cuarenta y cuatro.

MAN'L MICHELT'R'A.

MAN'L JIMENO, *S'rio.*

Queda tomada razon de este despacho en el libro à que corresponde à fogas 10.

JIMENO.

79 (Here follows map marked original, page 80.)

81 El que subscribe secretario del despacho certificar que el diseño que se demuestra à la vuelta es igual al original que esta agregado al espediente respectivo de la concesion que el senor gobernador Don Manuel Micheltorena y comand'te g'ral hizo de la Punta de Pinos à favor del Señor José Abrego en cuatro de Octubre de mil ochocientos cuarenta y cuatro.

MAN'L JIMENO.

No. 7, E.

En el puerto de Monterey, California, à los quince dias del mes de Enero de mil ochocientos y cincuenta antes mi, Felipe Roach, alcalde 1a. de este lugar y por ante los testigos de asistencia parecieron de presente Don José Abrego y su esposa Doña Josefa Estrada, vecinos del mismo lugar à quienes doy fé conosco y dijeron: que por si y à nombre de sus herederos y sucesores vendan y dan en venta solemna y enagenacion perpetua por juro de heredad para siempre jamas el derecho y accion que por los adjuntos titulos tienes al terreno conocido con el nombre de Punta Pinos, comprado à doce de Junio, 1844, à Doña Brigida Alvarez, con sus hijos José. José Antonio y Christoval Armenta y comprende la parte de la costa desde la Punta de Aulones hasta la de cipreses y vuelve por la linea recta suroeste á noreste á referida Punta de Aulones: Y ademas que en cuatro de Octubre de mil ochocientos cuarenta y cuatro, el gobernador, D'n. Manuel Micheltorena, espidio un nuevo titulo à favor à Don José Abrego à vista de concesion adquirido de José Maria Armenta, sugeto à nueva condiciones, à los S'res Milton Little, Jacobo P. Leese, Santiago Gleason, y Tomas O. Larkin, a la cantidad de treinto mil pesos en plato que ya estan recibidos à nuestra entera satisfacion declarando no tenerlo vendido ni enagenado. Renunciando cualesqueira derecho que pudieron tener.

En seguida pasando à pasa seperado là la antecedente es-
82 critura à la espresada S'ra Doña Josefa Estrada y declaro ser de su voluntad la dicha venta no habiendo sido forzado por parte de su esposo. Y para su complimiento y validacion formaron conmigo y los de asistencia segun derecho.

JOSÉ ABREGO.
JOSEFA ESTRADA.

De assa: FRANCO MILA.
De assa: MANUEL CASTRO.

[SEAL.] PHILIP A. ROACH, *Alcalde.*

Endorsed: No. 353. Jacob P. Leese. Punta de Pinos. Doc. H. J. T. No. 1, anx'd to the depo. of Teodoro Gonzales, taken before Com'r H. J. Thornton.
Filed in office, Dec. 31st, 1852.

GEO. FISHER, *Sec'y.*

Recorded in record of evidence, vol. 12, p. 265 to 269.
GEO. FISHER, *Sec'y.*

Exhibit No. 1 to deposition of Teodoro Gonzales in No. 354. H. J. T. Recorded in book "B." of records of the municipality of Monterey, page 125, March 2, 1850.

WM. S. JOHNSON, *Act'g Record Clerk.*

Filed April 9th, 1856.

P. K. WOODSIDE, *Clk.*

83 OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, J. W. Mandeville, surveyor general of the United States for the State of California, and as such having in my office, and in my charge and custody, a portion of the archives of the former Spanish and Mexican territory or department of Upper California, as also the papers of the late board of commissioners to ascertain and settle the private land claims in California, by virtue of the power vested in me by law, do hereby certify that the thirteen preceding and hereunto annexed pages of tracing paper, numbered from one to thirteen inclusive, exhibit a true, full, and correct copy of an original document, together with the endorsements thereon, as the same appears on file in case No. 353 on the docket of said board of commissioners.

In testimony whereof I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San [SEAL.] Francisco, this 3d day of May, 1861.

J. W. MANDEVILL,
United States Surveyor General for California.

Examined and found correct.

Keeper of Archives.

Filed June 4th, 1862.

84 JOHN O. WHEELER, *Clerk.*

85 1844.

Espediente promovido por D. José Maria Abrego en solicitud del terreno nombrado Punta de Pinos. No. 402.

86

87 *Doc. Exhibit J. O. W. No.* 1.

Sello cuatro, dos reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey en el departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

(Marit. de Mont. EAGLE.)

MICHELTORNA.
PABLO DE LA GUERRA,
Por aus'a del Adm'or.
GUILL'O ED'O HARTNELL.

MONTEREY, *Sept.* 5 de 1844. Muj. Cebr. s'rio del despacho tomando otros si los cree necessitar.
MICHELT'A.

EX'MO SOR: José Abrego C. Mejicano y vecino de este capital ante V. E. hace presente que siendo hoy dueño del terreno conocido con el nombre de Punta de Pinos por comprar legal qe. hiso à los dueños à virtud de la aprovacion de V. E. la qe. fue por la imposibilidad qe. tenian para fomentarlo: y siendo d'ho terreno sumamento pequeno segun consta por los documentos qe. acompaño, no puede serme util sin cercarlo y para hacer este crecido gasto me vio en la necesidad de pedir se me di libremente sin ninguna

restriccion; atendiendo à qe. ya se han dado algunos terrenos de la manera indicada y tambien à lo insignificante del mencionado terreno, no sabiendo nadie por judicado por esta. Por lo qe. suplico à V. E. se me conceda esta gracia si se encontraro justo anotandose solamente en el titulo qe. existe y quedando valadera la posecion y a dada.

Monterey, September 1a de 1844.

JOSE ABREGO.

Como dispone E. gobernador sirvase informar el S. alcalde
88 1a. de este lugar sobre el contenido de la presedenta instancia.
Monterey, S't're 17 de 1844.

MAN'L JIMENO.

SOR. S'RIO DEL DESPACHO: Cumpliendo con lo previnido en el sup'r decreto qe. antecede digo a V. sa que en sesion del dia 24 de Agosto p'pa. a cordo el y'tre ayuntamiento de esta capital, quedaren redeidos los egidos de esta poblacion à media legua por viento, comensandose à medir desde el punto sentrico de ella.

Cuello acuerdo tube el honor de remiter a S. C. el sor. gober'd'r para que lo pasare à la ex'ma junta departamental pa. su aprovacion, mas como este fue disuelta en esos diaz, han quedado demarcados d'hos ejidos en los terminos ya espresados. Por lo qe. en vista de lo espuesto V. sa se servira disponer lo qe. en cuento de justicia.

MARCELINO ESCOBAR.

EX'MO SR. GOBERNADOR: Por el ultimo acuerdo del Y. ayuntam'to de esta lugar sobre que se le demarquen las corresp'tes ejidos, segun el informe que antecedo, se ha dispuesto que se pidiera à la asamblea departamental su aprovacion pa que señale pa dicho objeto media legua por cada rumbo tomando por centro esta poblacion. Haviendo merito de este acuerdo del ayuntam'to y considerando que varios ranchos estan en las mismas sircumstancias que el de Señor Abrego de no hayarse comprendido dentro de estos ejidos, no encuentro algun inconveniente pa que V. E. tengan habian acceder à la pretencion del espresado S. Abrego. Si V. E. asi lo encontrarso por conbiento.

89 Monterey, S't're 17 de 1844.

MAN'L JIMENO.

MONTEREY, *Se't're* 20 *del* 1844.

Como opinan el y'tro ayuntam'to y S. s'rio del despacho de este gobierno.

MICHELT'R'A.

El ciudadano Manuel Micheltorena, general de brigada del ejercito Mejicano ayudante g'ral del mismo, gobernador comandante g'ral é inspector del departamento de California.

Por cuanto D. José Abrego ha adquirido legalm'to el derecho concesion y posesion que obtuvo José M'a Armenta del terreno conocido con el nombre de Punta de Pinos que comprende la parte de costa desde la puerta de Aulones hasta la de cipreses y vuelve por la linea

recta S. O. a N. E. à la referida punta de Aulones y habiendose practicado las diligencias correspondientes he venido en declarar y declaro en confirmacion dueño de d'ho parage al mencionado D. José Abrego sugetandose á los condiciones siguientes.

1a. No podra venderlo enagenarlo ni potecarlo.

2a. Podra sercarlo sin perjudicar las travesias, caminos y servidumbres lo disputará libre y exclusivamente destinadolo al uso ó cultivo que mas le acomode.

3a. El terreno de que se hace donacion es de la estencion que demuestra el diseño respectivo y segun la posecion juridica que ya si tiene dada.

4a. Si contraviniere á estas condiciones perderá su derecho al terreno y sera denunciado por otro.

En consecuencia mando que serviendole de titulo el presente se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterey à cuatro de Octubre de mil ochocientos cuarenta y cuatro.

90 Queda tomado razon de este despacho en el libro à que corresponde á fogas 10.

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, J. W. Mandeville. surveyor general of the United States for the State of California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, as also the papers of the late board of commissioners to ascertain and settle the private land claims in California, by virtue of the power vested in me by law, do hereby certify that the seven preceding and hereunto annexed pages of tracing paper, numbered from one to seven, inclusive, exhibit a true, full, and correct copy of an original expediente now on file and forming part of the archives aforesaid in my office, entitled "1844 ——— espediente promovido por Don José Maria Abrego, en solicitud del terreno nombrado Punta de Pinos, No. 402," and still remaining on file in my office, and in my charge and custody.

In testimony whereof I have hereunto signed my name officially, and caused my seal of office to be affixed at the city of San Francisco, this third day of May, 1861.

[SEAL.]

J. W. MANDEVILLE,
U. S. Surveyor General for California.

Examined and found correct.

Keeper of the archives.

Filed June 5th, 1862.

JOHN O. WHEELER, *Clerk.*

91 H. H., No. 1.

Sello segundo, [ ] doce reales.

Para los años de mil ochocientos veinte y seis y ochocientos veinte y siete.

Revalidado pa. la subcomijaria del puerto de Monterey de la Alta California pa. los años de mil ochocientos treinta y dos y ochocientos treinta y tres.

FIGUEROA.
F. B. GONZALES.

Exhibit J. O. W., No. 2.

José Figueroa, general de brigada de los ejercitos nacionales de la republica Mejicana, comandante general è inspector y gefe politico superior del territorio de la Alta California.

[ ] Por cuanto José Maria Armenta, natural de agualulco del estado de Jalisco, ha pretendido para su beneficio personal el terreno conocido con el nombre de Punto de Pinos que comprende la parte de costa desdo la puerto de Aulones hasta la de cipresces y vuelve por la linea recta S. O. à N. E. à la referida punta de Aulones, conforme que demarcado en el diseño respectivo, practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por las leyes y reglamentos; usando de las facultades que me son conferidas en decreto de trece del corriente en nombre de la nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras, entendiendose dicha concesion con entera conformidad à lo dispuesto por las leyes à reserva de la aprovacion ò desaprovacion de la excelentisima deputacion territorial y del supremo gobierno y bajo las condiciones siguientes.

Primera. Que se sometera à las que estable ———— siero el reglamento que se hade foman para ———— la distribucion de terrenos valdios y que entro tanto ni el agraciado ni sus herederos, podran dividir ni enagenar el que se le adjudica, imponer censo vinculo, fianza, hipoteca ni otro gravamen aunque sea por causa
92 piadoso ni pasarlo à manos muertos, sometiendose à demas à pagar el casion que se le imponga se arreglen sus linderos.

Segunda. Podra cercarlo sin perjudicar las travesias, caminos y servidumbres, lo disputara libre y exclusivamento destinandolo al uso ò cultivo que mas le acomode, pero dentro de un año à lo mas fabricando casa y estara habitando.

Tercera. Cuando se le confiera la propiedad solicitara del juez respectivo que le dé posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrà a mas de las mohoneras algunos arboles frutales ò silvestres de algun utilidad.

Cuarta. El terreno de que se hace donacion es de ocho millones setecientos dos mil y quinientas de area a superficio en varas cuadradas, poco mas ò menos, segun esplica el diseño que corre en el espediente; el juez que diere la posecion le hara medir conforme à ordenanza por a señalas los linderos quedando el sobranto que resulte à la nacion para los usos conbenientes.

Quinta. Si contraviniero à estas condiciones perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mande que sirviendole de titulo el presente y

teniendose por firme y valdero se tome razon en el libro à que corresponda y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey a veinte y cuatro de Mayo de mil ochocientos treinta y tres.

JOSÉ FIGUEROA.

AGUSTIN V. ZAMORANO, *S'rio.*

Queda tomada razon en el libre de asientos de titulos sobre adjudicacion de terrenos a foras 4, No. 4 que obra en el archievo de la secretaria de mi cargo.

ZAMORANO.

Monterey, Mayo 24 de 1833.

93 A, No. 3.

Sello terceo, dos reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey de la Alta California, para los años de mil ochocientos trienta y cuatro y mil ochocientos trienta y cinco.

FIGUEROA.
A. RAMIREZ.

SOR. ALCALDE CONSTIT'L: José Armenta, ciudadano Mejicano dice, que habiendo obtenido la concesion del terreno nombrado Punta de Pinos, ocuir á V. pa. que se sirva darle possesion juridica conforme este previnido en el articulo 3a del titulo de dicha terreno que le ha espedio en el veinte y cuatro de Mayo de 1833, que devidam'te acompañar igualmente la confirmacion respectivo pa. que todo obre los efectos desiados.

A. V. suplica se sirva pencola en la posesion que solicita lo que recibera merced y gracia.

Monterey, Dec. 25 de 1835.

A ruego del interesado,

JUAN MALARIN.

MONTEREY, 26 *de Diciembre à* 1835.

Por presentado y admitido provenir por mi el presente alcalde à la medicion senalam'to de linderos y juridical posescion que solicito en el interesado en este instancia señelandos para efectuarlo el veinte y nueve del presente mes que haviendo colindantes.

Asi yo el alcalde 1a. de este capital lo decreto, fiando y firmo con los de as't'a.

De ass'a: DAVID SPENCE.
De ass'a: JUAN MALARIN.

94 En la p'ha se le notifico el acto que que ante'ss'do al C. José Armenta y entendido dijo; lo oye y que se da por citado, y no firmo por no saver los hiso yo y los de ass'a.

SPENCE.

De ass'a: JOSÉ MARIA MALDONADO.
De ass'a: JUAN MALARIN.

No. 4.

Sello tercero, dos reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

CASTRO.
ANGEL RAMIREZ.

RANCHO DE PUNTO DE PINOS, *Dec're* 29 *de* 1835.

Para la medicion señalm'to de linderos y posession del C. José Armenta, nombre por medidores à los Cos. Walter Duckworth y Felipe Hernandez, quienes previa la aceptacion y juram'to procediren al desenpeñar de su cargo. Asi yo el alcalde 1a. lo decreto mande y firme con los ass'a.

DAVID SPENCE.
WALTER DUCKWORTH.

De ass'a: JOSE MARIA MALDONADO.
De ass'a: JUAN MALARIN.

En la misma presente los Cds. Waltero Duckworth y Filipe Hernandez, se les notifico el auto de su nombramento y de el entendereos dijieron lo oyen qe. aceptaron y aceptaran jurado por Dios nuestro Señor y la señal de la cruz conforme à derecho de usarlo fiel y legalmente à su ha saver y entender sin fraude contra persona alguna, y no firmo el segundo porque dijo que no no saver, lo hiso yo y los de asistencia.

SPENCE.
WALTERIO DUCKWORTH.

95 De ass'a: JOSE MARIA MALDONADO.
De ass'a: JUAN MALARIN.

En las misma paraje, dia, mes y año, los espresados medadores en presencia de me el alcalde, tomaron un cordel de mecatro y con una vara de medir usual Mejicana medieren cincuenta varas para hacer la medida y pueste junta la Punta de Cipreses se comenso la medida para el noreste hasta la Punta de Aulones y huve dos cientos cordeles de cincuenta varas de largo y desde dicho Punta de Aulones nornoroweste hasta la Punta de Pinos ochenta cordeles y de la punta de dicho Cipreses pa. el este dos cordeles de ancho.

En cuyos mediciones mando se formaron las mojoneras correspondientes que se senarlen los linderos que le pertenecer. El terreno medida es como sitio y media de ganado mayor.

A, No. 5.

Sello tercero, dos reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

CASTRO.
ANGEL RAMIREZ.

Y lo firme con los de ass'a,
(Signed) DAVID SPENCE.

De ass'a: JOSÉ MARIA MALDENADO.
De ass'a: JUAN MALARIN.

En el rancho de Punta de Pinos à los veinte y nueve dias del mes de Dec're de mil ochocientos treinta y cinco yo el alcalde despues de practicada las medidas del mencionado rancho por las que resulta tener un sitio y media con lo de mas que en convino y consta de autos, mande que entrarse en possession del mencionado sitio el C. José Armenta y la viuda Señora Brigida en nombre de la familia
96 y vajo las medidas atado y formalidades acostumbrades en estas casas lo que vinifico de luego a luego arrancando yerbas y haciendo demonstraciones como dueños del sitio de que se le ha dado posecion cuya validacion la autoriso y firmo con los de asistencia no haciendolo el interesado por no saver.

(Signed) DAV. SPENCE.

De ass'a: (Signed) JOSÉ MARIA MALDONADO.
De ass'a: (Signed) JUAN MALARIN.

Monterey, 29 de Dec're de 1835.

Tomese razon en el libro de poseciones y devuelviso este espediente original al interesado para que se sirva de titulo. Asi yo el alcalde lo decreto mando y firmo con los de ass'a.

DAV. SPENCE.

De ass'a: JOSÉ MARIA MALDONADO.
De ass'a: JUAN MALARIN.

En la p'ha se toma razon de este titulo en la foja 86'to del libro respectivo y se devolvio el original en sus 8 utiles y pa. constancia lo anoto y rubrico.

(Rubric.)

(Here follows map, marked original, page 97.)

98 I, the undersigned, do hereby certify the within map to be a correct copy of the original, accompanying the document belonging to the farm of the "Punta de Pinos," granted by Governor Figueroa on the 24th day of May, 1833, which exists in the archieves of the Californian government, at present under my charge.

Monterey, 15th April, 1848.

W. E. P. HARTNELL,
Gov't translator.

Endorsed: No. 563.—L. E. Page *et al.*—Point Pinos, Doc. H. H. No. 1, an'd to the depo. of Wm. E. P. Hartnell, taken before Com'r Hiland Hall.

Filed in office Feb'y 17th, 1853.

GEO. FISHER, *Sec'y.*

Exhibit No. 1.—*R. I.*

Recorded in Rec. of Evid., vol. 18, p. 437 to 441.

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, E. F. Beale, surveyor general of the United States for the State of California, and as such having in my office and in my charge and custody a portion of the archieves of the former Spanish and Mexican territory or department of Upper California, as also the papers of the late board of commissioners to ascertain and settle the private land claims in California, by virtue of the power vested in me
99 by law, do hereby certify that the eleven preceding and hereunto annexed pages of tracing paper, numbered from one to eleven, inclusive, exhibit a true, full, and correct copy of an original document, together with the endorsements thereon, as the same appears on file in case No. 563 on the docket of said board of commissioners.

In testimony whereof I have hereunto signed my name
[SEAL.] officially, and caused my seal of office to be affixed at the city of San Francisco this fourth day of May, 1862.

E. F. BEALE,
U. S. Surveyor General for California.

Filed June 5th, 1862.

JOHN O. WHEELER, *Cl'k.*

Translation of pages 1, 2, and 3 of the this exhibit is found on pages 22, 23, and 24 of transcript No. 169.
The remaining pages translated and filed in this case.

100 *Translation of doc. marked "Exhibit, J. O. W. No* 1."

1844.

Espediente promoted by D. José Maria Abrego in solicitation of the tract of land named "Punta de Pinos."

No. 402.

Seal fourth, two reales.

Provisionally qualified by the maritime customs of the port of Monterey, in the department of the Californias, for the years one

thousand eight hundred and forty-four and one thousand eight hundred and forty-five.

MICHELTORENA. (Rubric.)
PABLO DE LA GUERRA,
In the absence of the adm'r.
GUILL'O ED'O HARTNELL.
(Rubric.)

{ Seal of the maritime customs of Monterey. }

MONTEREY, *Sept.* 5*th*, 1844.
Let the secretary of state report, taking other information, if necessary.
MICHELT'A. (Rubric.)

MOST EXCELLENT SIR: José Abrego, a Mexican citizen and resident of this capital, before your e'y expreses that, being at present the proprietor of the tract of land known by the name of Punta de Pinos, by legal purchase made by me from the owners thereof, in virtue of the approval of your ex'ell'y, which was effecuated for the reason of their being unable to make the same productive; and the said land being of very small extent, as is constant by the documents hereunto annexed, it can be of no use to me, except by fencing the same in; and in order to make this considerable expense, I find myself obliged to petition that the same be granted freely to me without any restriction. Considering that some lands have already been granted in the manner indicated, the importance of the land aforesaid, and it being to the prejudice of no one, I therefore pray your e'y to grant me that favor if it is
101 according to justice, making only the annotation on the existing title, grant, and the possession already given, remaining valid.

MONTEREY, *September* 1*st*, 1844.

JOSE ABREGO. (Rubric.)

As ordered by his exc'l'y the governor, let the 1st alcalde of this place report in regard to the subject of this petition.

MONTEREY, *Sept.* 17*th*, 1844.

MAN'L JIMENO. (Rubric.)

MR. SECRETARY OF STATE: Complying with the dispositions of the foregoing superior decree, I say, in answer to your hon'r, that in session of August 24 last past the ill'ous ayuntamiento of this capital did resolve that the lands belonging to this town should be reduced to one half of a league in direction of every quarter of the compass, beginning the measurement from the central point thereof, and which resolution I had the honor to remit to his ex'y the governor, in order that he should submit the same to the approval of the most excell. departamental assembly, but as the last named has been disolved during those days, the said town lands have remained democrated in the terms before expressed. Thus, in view of this exposition, your hon'r will dispose according to what you might believe to be in justice.

MONTEREY, *Sept.* 19*th*, 1844.

MARCELINO ESCOBAR. (Rubric.)

MOST EX'L'T SR. GOVERNOR: By the last resolution of the il's ayuntamiento of this place, in reference to its corresponding town lands, according to the foregoing report, it has been decreed to submit to the approbation of the ex't departamental assembly the setting
102 apart for such purpose of one half of a league in every direction, taking this town for the centre. In view of this resolution of the ayuntamiento, and considering that several ranchos are under the same circumstances as that of Mr. Abrego, not being situated within the limits of the town lands, I do not find any impediment that your ex'l'y should accede to the petition of Mr. Abrego, if your ex'l'y should find it convenient.

MONTEREY, *Sept.* 17, 1844.

MAN'L JIMENO. (Rubric.)

MONTEREY, *Sept. 20th*, 1844.

In conformity with the opinion of the il's ayuntamiento and the secretary of state of this government.

MICHELT'A. (Rubric.)

The citizen Manuel Micheltorena, brigadier general of the Mexican army, adjutant general of the same, governor commandant general and inspector of the Californias:

Whereas D. José Abrego has legally acquired the right, grant, and possession obtained by José Ma. Armenta of the land known by the name of Punta de Pinos, which comprises that part of the seacoast from the point Aulones to that of Sipreces, and returns by the direct line SW. and NE. to said point, Aulones; and the necessary steps having been taken, I have declared, and declare, in confirmation as proprietor of said land, the aforesaid D. José Abrego, he subjecting himself to the following conditions:

1st. He shall not be allowed to sell, alienate, or mortgage the same.

2d. He may fence in the same without prejudice to the by-lanes, roads, and common crossings. He shall possess the same freely and exclusively, and for the usage and cultivation most agreeable to his comodity.

3. The land granted is of the extent as set forth on the plat (diseño) thereof, and according to the juridical possession
103 which has already been given.

4. If he should contravene to these conditions he shall forfeit his right to the land, and the same shall be claimable by some other party.

In consequence whereof, I command that this present, serving him as a title-grant, be recorded in the corresponding book and delivered to the party interested, for his security and other purposes.

Given in Monterey on the fourth day of October, one thousand eight hundred and forty-four.

This document has been recorded in the corresponding book, at page 10.

Filed June 5th, 1862.

JOHN O. WHEELER, *Clerk.*

104 *Translation of act of juridical possession of "Punta de Pinos."*

Seal third, two reales.

Provisionally authorized by the administration of the maritime custom-house at the port of Monterey, in Upper California, for the years 1834 and 1835.

(Signed) FIGUEROA.
(Signed) A. RAMIREZ.

SEÑOR CONSTITUTIONAL ALCALDE: José Armenta, a Mexican citizen, represents that, having obtained the grant of the land named "Punta de Pinos," he applies to your honor that you may be pleased to give him the judicial possession, as provided in the 3d article of the title of said land, which was issued to him on the 24th day of May, 1833, which he duly accompanies herewith; also the respective confirmation, in order that the whole may produce the desired effects.

Wherefore, he prays your honor to be pleased to give him the possession which he asks. Whereby he will receive mercy and grace.

Monterey, December 25th, 1835.

At the request of the party,

(Signed) JUAN MALARIN.

MONTEREY, *Dec.* 26, 1835.

Being presented and admitted, let me, the present alcalde, proceed to the measurement, designation of boundaries, and judicial possession, which the party to this petition solicits; appointing therefor the 29th day of the present month (and there being no colindantes.) Thus I, the first alcalde of this capital, decreed, ordered, and signed, with assisting witnesses.

(Signed) DAV. SPENCE.

Assisting witnesses:

(Signed) JUAN MALARIN.

On the same day the foregoing act was notified to citizen
105 José Armenta. Whereupon he said he heard it, and acknowledged service, and did not sign because he did not know how to write. I and the assisting witnesses signed.

(Signed) SPENCE.

Assisting witnesses:

(Signed) JOSE MARIA MALDONADO.
(Signed) JUAN MALARIN.

Seal third, two reales.

Provisionally authorized by the administration of the maritime custom-house at the port of Monterey, in Upper California, for the years 1834 and 1835.

(Signed) CASTRO.
(Signed) ANGEL RAMIREZ.

RANCHO OF PUNTA DE PINOS.

DEC. 29, 1835.

For the measurement, designation of boundaries, and possession of citizen José Armenta, I appointed citizens Walter Duckworth and Felipe Hernandez as measurers, who, after the acceptance and oath, will proceed to the discharge of their trust. Thus I, the first alcalde, decreed, ordered, and signed, with the assisting witnesses.

(Signed.) SPENCE.

Assisting witnesses:

(Signed) JOSÉ MARIA MALDONADO.

(Signed) JUAN MALARIN.

On the same day, citizens Walter Duckworth and Felipe Hernandez being present, the act of their appointment was notified to them. Whereupon they said they heard it; that they accepted it, and they did accept it, swearing by God our Lord and the sign of the cross, according to law, that they would exercise it faithfully and legally, to the best of their understanding and ability, without fraud against
106 any person. And the second did not sign, saying he did not know how. I and the assisting witnesses signed.

(Signed) SPENCE.

(Signed) WALTER DUCKWORTH.

Assisting witnesses:

(Signed) JOSE MARIA MALDONADO.

(Signed) JUAN MALARIN.

On the said place, day, month, and year, the measurers aforesaid, before me, the alcalde, took a cord or rope, and, with a common Mexican vara, measured fifty varas with which to make the measurement, and stationing themselves near the "Punta de Cipreses," the measurement was commenced towards the northeast to the "Punta de Aulones," and there were two hundred cordels of fifty varas (in length;) and from said Punta de Aulones north-northwest to the "Punta de Pinos," eighty cords; and from the said "Punta de Cipreces," towards the east, two cords in width. I ordered the proper landmarks to be put up on the said lines for the designation of the boundaries that belong to him. The land measured is about one league and a half, and I signed it with the assisting witnesses.

(Signed) DAV. SPENCE.

Assisting witnesses:

(Signed) JOSE MARIA MALDONADO.

(Signed) JUAN MALARIN.

Seal third, two reales.

Provisionally authorized by the administration of the maritime custom-house at the port of Monterey, in Upper California, for the years 1834 and 1835.

(Signed) CASTRO,

(Signed) ANGEL RAMIREZ.

On the rancho of Punta de Pinos, on the twenty-ninth
107 day of the month of December, one thousand eight hundred and thirty-five, I, the alcalde, after the conclusion of the measurement of the said rancho, whereby it is shown to contain one and a half square leagues, with everything else necessary to be examined and appears in these acts, ordered citizen José Armenta to enter into possession of the aforesaid place, (and the widow Señora Brigida, in the name of the family,) and under the said measurements and the customary formalities in these cases, which he immediately did, pulling up herbs and performing acts as owner of the place, of which possession has been given him, the validity of which I authorize and sign with the assisting witnesses, the interested party not doing so because he does not know how.

(Signed) DAV. SPENCE.

Assisting witnesses:

(Signed) JUAN MARIA MALDONADO.

(Signed) JUAN MALARIN.

MONTEREY, *Dec.* 29, 1835.

Let it be recorded in the book of possessions; and let this original espediente be delivered to the interested party to serve him as a title.

Thus I, the alcalde, decreed, ordered, and signed with the assisting witnesses.

(Signed) DAVID SPENCE.

Assisting witnesses:

(Signed) JOSE MARIA MALDONADO.

(Signed) JUAN MALARIN.

This title was recorded on the same day, on the 86th leaf of the respective book, and the original was returned on 8 written leaves, and in testimony thereof I enter it over my rubric.

(Rubric.)

Filed June 5th, 1862.

JOHN O. WHEELER, *Clerk.*

108 *Deposition of José Abrego.*

United States district court, southern district of California.

HENRY DE GRAW, substituted for JACOB P. LEESE *et. al.*, appellees, *ads.* THE UNITED STATES, appellants. } No. 169.

Be it remembered that on the 5th day of June, A. D. 1862, at Monterey, in the district aforesaid, before me, John O. Wheeler, clerk of the United States district court for the southern district of California, and ex officio U. S. commissioner, duly authorized to take depositions in civil cases depending in the courts of the United States pursuant to the act of Congress in that behalf, appeared José Abrego, a witness produced on behalf of the appellees in the above-

entitled cause, now pending in said court under the acts of Congress to ascertain and settle private land claims in the State of California, who, being duly sworn, testified as follows, his testimony being given in English.

Present: Durell S. Gregory, att'y for appellees, and B. C. Whiting, esq., U. S. dist. att'y, on behalf of the United States.

Questions by att'y for appellees.

Quest. What is your name, age, and place of residence?

Ans. José Abrego: fifty years of age; and I reside in Monterey.

Quest. Are you acquainted with the handwriting of Manuel Micheltorena, former governor of California, Man'l Jimeno, and Marcelino Escobar?

109 Ans. I do know the handwriting of those persons, having seen them write.

Quest. Look upon document now here shown you, marked Exhibit J. O. W. No. 1, and herewith filed, and say whether or not it is a true copy of an original document now on file in the surveyor general's office for the State of California, and whether or not you have examined said original.

Ans. I have seen the original in the office of the surveyor general, and have compared the copy now shown me with the same, and I know the copy to be correct and true; I made the comparison about twenty days since.

Quest. State whether or not the signatures of José Abrego, signed to the petition on page 1st of said original document, is your genuine signature, and also whether the signatures of the said Micheltorena, Manuel Jimeno, and Marcelino Escobar, wherever they appear thereon, are their true and genuine signatures.

Ans. They are genuine. The petition to which my genuine signature is attached was also written by me, and is in my handwriting.

Quest. State whether or not Manuel Jimeno be dead or living; and if dead, where he died.

Ans. Man'l Jimeno is dead; he died in the year 1853.

Quest. Do you know the handwriting of Juan Malarin, David Spence, José Marin Maldonado, Walter Duckworth, José Figueroa, and Agustin Zamorano, and whether or not you have seen them write? If so, look upon document now shown you, marked Exhibit J. O. W. No. 2, and herewith annexed, and state whether or not you have compared it with an original document on file in the office of the surveyor general of the U. S. for California; and if so, whether it is a true copy of said original document, and also whether the signatures of the persons above named, wherever they appear on said document, are their genuine signatures.

110 Ans. I do know the handwriting of said Juan Malarin, David Spence, José Marin Maldonado, Walter Duckworth, José Figueroa, and Agustin Zamorano, having seen them write their signatures; wherever they appear on the document marked Exhibit J. O. W. No. 2 are their genuine signatures. Said document is a

true copy of the original document now in the surveyor general's office, I having compared them together in the office of said surv. general some 20 days since.

Quest. Look on document now shown you, marked Exhibit J. O. W. No. 3, and state whether you have compared it with original documents; and if yea, state whether or not it be a true copy, and whether or not the signatures appearing thereon of Florencio Serrano, Ambrosio Gomez, Manuel Micheltorena, Guillermo E. Hartnell, Manuel Jimeno, José Abrego, Josefa Estrada, Francisco Mila, Manuel Castro, and Philip Roach, are ther genuine signatures, and have you seen those persons write.

Ans. I have compared said document with its original, and know it to be a true copy; the signatures thereon appearing are genuine, I being well acquainted with the handwriting of said persons, having often seen them write.

Ques. Do you know the rancho called "Punta de Pinos," situate in Monterey county; and if so, how long have you known it?

Ans. I do know it, and have known it from the year 1835. In that year it was occupied by the Armenta family, and up to the year 1839. In the year 1844 I bought the interests of the Armenta family therein, and obtained a title also from Manuel Micheltorena, governor of California. I retained and held possession thereof until the 1850, when I sold the rancho to Thos. O. Larkin. Armenta had a house on the place, in which he lived from '35 until 1839. Afterwards I occupied it with cattle and my servants, and had houses on it up to the time I sold it, in 1850.

111 Quest. Is the map or deseño in said document J. O. W. No. 3 a correct representation of the land and a true copy of the deseño which accompanied the grant made of the land by Governor Micheltorena?

Answer. Yes, it is.

Quest. When did you first take possession of this rancho?

Ans. I took possession of the rancho at the time I purchased from Armenta, in the year 1844. The land was then unoccupied, and had been unoccupied since the year 1839. The Armentas abandoned the ranch in 1839 because they had no means to occupy it.

Quest. Do you know Florencio Serrano, and did he hold any official position in 1844; and if so, what was it?

Ans. I do know him. In 1844 he was 2d alcalde in Monterey, Cal'a, and acting, in the absence of the judge of the first instance, in the capacity of such judge. He was the acting judge of the first instance at the time the papers in this case were executed before him, to wit: those purporting to be executed before him.

Quest. Do you know David Spence, and what, if any, official position did he hold in 1835?

Ans. I do know him; he was constitutional alcalde in Monterey in the year 1835.

Quest. State whether or not Juan Malarin, José Marin Maldonado, Walter Duckworth, are dead.

Answer. They are all dead, as also are José Figueroa and Agustin

Zamorano. The juridical possession referred to in the grant made to me by Gov. Micheltorena is the one which was given to José Marin Armenta by David Spence, alcalde, and the evidence of which is contained in doc. marked "Exhibit J. O. W. No. 2," attached to this deposition. The words appearing on the last line of page 7,
112 of doc. marked J. O. W. No. 3, attached to this deposition, reading as follows, to wit: "Que ya si trino dada," correctly translated into English should read: "*That has already been given,*" and not as is translated on page 36 of the transcript in this case, line 14. José Ma. Armenta died before I made the purchase of "Punta de Pinos," and previous to the year 1844.

Cross-examined by U. S. att'y.

Ques. How and in what manner did you make the comparison of the documents of which you have spoken?

Ans. I had the copies and the originals before me, and compared them line by line entirely through, reading them both myself.

Ques. Did you reside at Monterey during the whole time from 1839 to 1844?

Ans. I did.

Ques. During all that time was this rancho unoccupied?

Ans. It was unoccupied during that period.

Ques. Where did the Armenta family live during that time?

Ans. They resided here in Monterey.

Ques. Do you know who was the first alcalde in 1844, at the time the document was executed by Florencio Serrano?

Ans. I do not.

Ques. How do you know that Florencio Serrano acted at that time in the capacity of 1st alcalde?

Ans. When Mrs. Armenta wished to dispose of the ranch I went to the alcalde to inform myself as to her authority or right so to dispose of it; I went to Florencio Serrano for the reason that there was no other alcalde.

Ques. Did you enquire for any other alcalde or any other officer to know whether she had a right to sell?

Ans. No, I did not, for the reason that there was none other
113 at the alcalde's office but Serrano; the first and second alcalde occupied the same office, and when I went there I found only Serrano there.

Ques. What position or office did David Spence occupy in 1844?

Ans. I do not remember; Mrs. Armenta was the widow of José Ma. Armenta, and guardian of his minor children, and the same person mentioned the document J. O. W. No. 3 as "Doña Brigida Alvirez."

JOSE ABREGO.

Sworn to and subscribed before me this 5th day of May, A. D. 1862.

JOHN O. WHEELER,
Clerk and ex officio Com.

Filed June 5th, 1862.

JOHN O. WHEELER, *Clerk.*

114 *Certified copy of depo. of D. Spence, from transcript No.* 380.

Deposition of David Spence.

OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c.

On this day, before Com'r R. Augs. Thompson, came David Spence, a witness in behalf of claim'ts, L. E. Porgue *et al.*, No. 563, who. after being duly sworn, deposes as follows:

Testimony on behalf of claimant.

Present: P. Ord, esq., for claimant, and R. Greenhow, esq., ass't law agent.

In answer to questions, witness states that his name David Spence; his age, fifty-five; and residence, Monterey, Cal'a.

Question by claimants' att'y. Do you know the rancho of Point Pinos, in Monterey county? If so, state what you know of the giving juridical possession of the same.

Answer. I know the ranch very well; and in 1835, when I was alcalde, I gave the juridical possession of it to the grantee, José Maria Armenta. The document filed in this case with the deposition of Wm. E. P. Hartwell, marked Exhibit No. 1, and with the initials H. H. and R. T., is the original record of such juridical possession, and my own signature and the others which occur therein are genuine. In looking over said record I find, on page marked A No. 5, a mistake, which should be corrected. On said page, in the 8th line from the bottom, the word "vinda," meaning widow, should have been written "mujer," meaning wife. The natural objects called for in said juridical possession, to wit: "Point Cypress" and "Point of Aulones," are well known, and by them the boundaries, as given, can be easily identified.

Question by the same. State if you know when, by whom,
115 and in what manner the land claimed in this case, rancho of Point Pinos, was first occupied.

Answer. Immediately after the issuing of the grant, and in the same year, the grantee, José Maria Armenta, took possession of the land, built a small house on it, and lived in it with his family. He cultivated a portion of it; had some tame cattle upon it. He continued to live on it till his death; afterwards his family lived on it until they sold it. The heirs of José Maria Armenta, now living, are Maria Antonio, Christoval, José Antonio, and José Armenta, being sole surviving legitimate children of said grantee.

Question by Mr. Greenhow. What has been the usage in California, under the Mexican law, with regard to the right of the widow to lands which had been granted to her husband by the government during the marriage.

Answer. Marriage in California was considered a partnership, in which the parties had equal interests, and the property acquired during coverture was regarded as gains, and were equally divided between the widow and the children on the death of the husband;

so far as my knowledge has extended (and I have administered on several estates) the lands so acquired were uniformly divided between the widow and children, giving the widow one half and the children the other.

D. SPENCE.

Sworn to and subscribed before me the 2d November, 1853.
R. AUG. THOMPSON, *Com'r.*

Filed in office Nov. 2d, 1853.
GEO. FISHER, *Sec'y.*

116 UNITED STATES OF AMERICA,
Southern District of California:

I, John O. Wheeler, clerk of the United States district court for the southern district of California, hereby certify the above and foregoing to be a full, true, and correct copy of deposition of David Spence, filed on the part of L. E. Porgue *et al.*, claimants, against the United States, No. 563 docket of land commissioners, and appearing in the transcript of the proceedings before said board therein, now on file in my office.

[SEAL.] In testimony whereof, I have hereunto set my hand and affixed the seal of said court this the 5th of June, A. D. 1862, at Monterey, Cal'a.

JOHN O. WHEELER, *Clerk.*

Filed June 5th, '62.
JOHN O. WHEELER, *Clerk.*

117

118 *Copy conveyance from Brigida Alvirez to José Abrego.—Exhibit J. O. W. No.* 1.

Sello cuarto, dos reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey en el departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

MICHELTORENA.
PABLO DE LA GUERRA.
Por aus'a del admor., GUILL'O ED'O. HARTNELL.

{Ad. Marit., Mont. seal.} En el puerto de Monterey de la Alta California a las doce dias del mes de Junio de mil ochocientos cuarenta y cuatro ante me Florencio Serrano alcalde 2o. constitucional y juez 1a. instancia interino de este demacacion y ante los testigos de asistencia con quienes actuvo en la forma establecida por falta de escribano publico à de los instrumentales de que al fin de hara mencion parecio de presente Da. Brigida Alvirez con sus hijos José, José Antonio y Cristobal Armenta cuyas personas doy fé conozco y dijo la

primera que por sigà nombre de los referidos hijos, herederos y subsesores, y de quien de ellos hubrere titulo voz y causa, cede à Dn. José Abrego de esta misma vecinidad que tambien doy fé conozco, el derecho que les asisto al terreno conocido con el nombre de Punta de Pinos que les pertenece en propiedad segun consta del titulo y posesion que obra en el expediente que presentaron y yo el juez doy fé haber visto y mandi unir à la presente escritura, cuya terreno esta libre de todo gravamen, publico, perpetuo, temporal, tacito ò espreso y como tal se lo sede a d'ho Sor. Abrego. Por culla sesion han recibido la ortoganto y sus hijos, la cantidad de ciento sesenta y dos pesos à su entera satisfacion. Y desde hoy en adelante se desprende y despoja para siempre del derecho, posesion, titulo, recurso à otro cualquiera que le competa al enunciado terreno, y lo renunciar y traspasa al espresado Sor. Abrego para que disponga del como de cosa propia y le confien poder irrebocable con libre franca y general administracion para que de su autoridad aprenda la tenencia y posesion que por derecho le compta. Ya à la observacia y validacion
119 de todo lo referido obliga la ortogante, sus bienes presentes y futuros y con ellos se someto al fuero y jurisdiccion de los Señores Jueces que de sus causas pueden y devan conocer conforme a d'ho para qe. a su cumplimto. lo compelen y apremien por todavia egecutaria como sentencia dada consentida y pasada en autoridad de cosa juzgada y sentenciada que por tal la reputa, renuncia las leyes que en el caso le favorescan y la general del dro en forma. En cuyo testimonio asi lo otorgo y firmaren a vruego (ruego) de los interesados los C. C. Man'l Castro, Vicente Gomez, Antonio Chaves, y Esteban de la Torre, presentes y vecinos sinedo los instrumentales D tres primero firmando, yo con los de asistencia de que doy fé.

FLORENCIO SERRANO.
VICENTE P. GOMEZ.
MANUEL CASTRO.
ESTEVAN DE LA TORRE.

JOSE A. CHAVES, *ass'a.*
AMBROSIO GOMEZ, *ass'a.*
ANTONIO LIMA, *ass'a.*

STATE OF CALIFORNIA,
County of Monterey, ss:

I, George W. Bird, county clerk and ex officio recorder in and for said county, do hereby certify that the foregoing is a true, full, and correct copy of an instrument in writing now on record in my office, in Vol. XI, archives Monterey county, pages 1399, 1400, 1401, and 1402.

[SEAL.] In witness whereof, I hereunto set my hand and seal of office, at Monterey, this 7th day of June, A. D. 1862.

(Signed) G. W. BIRD,
Recorder, Monterey County.

Filed June 9th, 1862.

JOHN O. WHEELER, *Clerk.*

120 *Depo. of A. Gomez.*

United States district court, southern district of California.

HENRY DE GRAW *et al.*,
substituted for J. P. LEESE *et al.*,
vs.
THE UNITED STATES. } No.

Be it remembered that on this 9th day of June, A. D. 1862, at Monterey, in the district aforesaid, before me, John O. Wheeler, clerk of the United States district court for the southern district of California, and ex officio U. S. commissioner, duly authorized to take depositions in civil cases depending in the courts of the United States, pursuant to the acts of Congress in that behalf, appeared Ambrosio Gomez, a witness produced on behalf of the claimants in the above-entitled cause now pending in said court under the acts of Congress to ascertain and settle private land claims in the State of California, who, being duly sworn, testified as follows, his testimony being given in English.

Present: Durell S. Gregory, att'y for appellee and claimants, and B. C. Whiting, dis't att'y, on part of U. States.

Questions by ——.

Quest. What is your name, age, and place of residence?

Ans. Ambrosio Gomez; 39 years of age; and residence in Monterey.

Quest. Look at the document now shown you, marked Exhibit J. O. W. No. 1, and annexed to this deposition, and state whether or not it is a copy of an original document, now of record in the office of the county clerk and recorder of Monterey co.; and if so, state your means of knowledge of such fact.

121 Ans. It is a true copy. I have examined the original on file and of record in said recorder's office, and compared the document now shown me, and marked J. O. W. No. 1, and it is a faithful copy of the same. I made the examination to-day. The said original is contained in liber xi, pages 1399, 1400, 1401, and 1402, in said office, said liber xi being a bound book of original archives or documents. The signatures appearing on said original document of Guill'o Ed'o Hartnell, Florencio Serrano, José A. Chaves, Ambrosio Gomez, Antonia Lima, Bicente P. Gomez, Man'l Castro, Esteban de la Torre, are their genuine signatures. They were placed there at the time the document was executed. I was present and signed the same as assisting witness.

Ques. Who was acting judge of the 1st instance at that time in Monterey.

Ans. Florencio Serrano was acting *ad interim*.

Ques. Were there any notary publics at that time in Monterey?

Ans. No; there were none.

Ques. What was the consideration paid by José Abrego for the land, if any?

Ans. The same set forth in the deed. It was paid part in money, and the balance in merchandize.

Cross-examined by dis't att'y.

Quest. Were you present when the consideration was paid?

Ans. I was present when a portion of the merchandize was delivered.

(Signed) AMBROSIO GOMEZ.

Subscribed and sworn to before me this 9th day of June, 1862.

JOHN O. WHEELER, *Cl'k and ex officio Com'r.*

Filed June 9th, 1862.

JOHN O. WHEELER, *Clerk.*

122 *Deed from Little and wife and Gleason and wife to José Abrego.—Exhibit "B," J. O. W.*

This indenture, made this thirteenth day of Dec'r, A. D. 1851, between Milton Little and his wife, Mary, and James H. Gleason and his wife, Catarina, all of the city of Monterey, in the State of California, of the first part, and José Abrego, of the same city, of the second part, witnesseth: That said parties of the first part, for and in consideration of the sum of seven thousand and five hundred dollars to them in hand paid by said party of the second part, and the receipt of which sum is hereby acknowledged and admitted by said parties of the first part, have bargained, sold, and quitclaimed, and by these presents do bargain, sell, quitclaim, and convey unto said party of the second part all the right, title, interest, and claim, both at law and in equity, as well in possession as expectancy of *said parties of the first part*, in and to the following described tract, parcel, or premises, to wit: That tract or parcel of land in the county of Monterey, in the State of California, known as the rancho of Point Pinos, and bounded as follows: Beginning at the Point of Aulones, and thence following the coast of the ocean to the Point of Cypress, and thence in a right line northeastwardly to the aforesaid point of Aulones. These premises were, on the fifteenth day of January, 1850, conveyed by said José Abrego to Milton Little, James H. Gleason and others, and the interest supposed to have been acquired and to be possessed by said parties of the first part is the one undivided half of the said rancho as aforesaid described, all of which interest of said parties of the first *part* is herein intended to be conveyed, excepting a tract of land conveyed by Jacob P. Leese and wife, James H. Gleason and wife, and Thomas O. Larkin and wife, on the twenty-sixth day of February, 1850, to Milton Little, this tract being reserved, being bounded and situate as follows: beginning at the southeast corner of said rancho of Point Pinos at the

point Aulones, running down and along the coast north 49° west six hundred yards; thence south 45° west one thousand and eight hundred yards; thence south 49° east to a point where this line
123 strikes the southeastern boundary line of said rancho, and thence following this last-mentioned boundary line to the point of beginning.

Said party of the second part to have and to hold all the right and claim of said parties of the first part to said rancho, excepting the part herein reserved.

N. B.—"Said parties of the first part" and "part" were interlined before the execution of this instrument.

MILTON LITTLE. [L. S.]
MARY LITTLE. [L. S.]
JAMES H. GLEASON. [L. S.]
CATARINA GLEASON. [L. S.]

STATE OF CALIFORNIA,
County of Monterey, ss:

On this 13th day of December, A. D. 1851, personally appeared before me, a notary public in and for said county, Milton Little and Mary Little, his wife, and James H. Gleason and Catarina Gleason, his wife, all to me personally known, who severally and each for himself and herself acknowledged that they executed the within conveyance freely and voluntarily, and for the uses and purposes therein mentioned; also said Mary Little and Catarina Gleason, being by me examined separate and apart from their husbands, and without their husbands' hearing, and having been made acquainted with the contents of the within conveyance, each severally and for herself declared that she executed the within conveyance freely and voluntarily, and without fear, compulsion, or undue influence of her husband, and that she did not wish to retract the execution thereof.

[SEAL.] D. R. ASHLEY,
Notary Public, Monterey County.

124 Received for record 19th Dec'r, 1856, at 10.55 a. m.
The words underlined here being interlined in the original.
Recorded at request of Pedro Zabala.

STATE OF CALIFORNIA,
County of Monterey, ss:

I, George W. Bird, county clerk and ex officio recorder in and for said county, do hereby certify that the foregoing is a true, full, and correct copy of an instrument in writing now on record in my office, in book A of conveyances, pages 314, 315, and 316.

[SEAL.] Witness my hand and seal of office, at Monterey, this 7th day of June, A. D. 1862.

(Signed) G. W. BIRD,
Recorder, Monterey County.

Filed June 10, '62.

JOHN O. WHEELER, *Cl'k.*

125

126 *Deed from José Abrego to D. S. Gregory.*

STATE OF CALIFORNIA,
Monterey County:

Know all men by these presents that I, José Abrego, of the said county, in consideration of the sum of twenty-five hundred dollars to me in hand paid by Durell S. Gregory, also of said county, the receipt whereof is hereby acknowledged, have remised, released, quitclaimed, and conveyed, and by these presents do bargain, sell, remise, release, quitclaim, and convey, unto the said Gregory, and to his heirs and assigns forever, all of my right, title, interest, and claim, in possession or expectancy, at law or in equity, in and to all of that certain tract of land lying and being situate in the said county, and being bounded and described as follows: commencing at a point on the Bay of Monterey, being known as "Point Aulones," (Aulones;) thence following the coast of the Pacific ocean to "Point Cypress;" thence running in a direct line in a northeasterly course to the place of beginning; said tract of land being known as rancho "Punta de Pinos," (Point Pinos,) and containing two square leagues, a little more or less, and my interest therein being the one undivided half part thereof: to have and to hold the said tract of land. together with all the rights, privileges, and appurtenances thereunto belonging, unto him, the said Durell S. Gregory, or to his heirs and assigns, forever.

In testimony whereof, I have hereunto set my hand and affixed my seal this the thirtieth day of April, A. D. eighteen hundred and fifty-seven.

(Signed) JOSE ABREGO. [SEAL.]

Signed, sealed, and delivered in presence of—
EDW. L. WILLIAMS.
JAS. H. GLEASON.

127 STATE OF CALIFORNIA,
County of Monterey, ss:

On this thirtieth day of April, A. D. one thousand eight hundred and fifty-seven, before me, Edw. L. Williams, county recorder in and for said county, personally appeared José Abrego, to me personally known to be the individual described in and who executed the annexed instrument, and acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed
[SEAL.] my official seal the day and year first above written.

(Signed) EDW. L. WILLIAMS,
County Recorder.

Rec'd for record April 30th, 1857, at 10.30 a. m., and recorded in book "C" conveyances, page 75 and 76.

EDW. L. WILLIAMS,
County Recorder, Monterey County,
By JAS. H. GLEASON,
Deputy.

Filed June 10, '62.

JOHN O. WHEELER, *Cl'k.*

128 *Deed.—Sheriff of Monterey county to Charles Brown.*

EXHIBIT "A."—J. O. W.

This indenture, made this first day of July, A. D. 1861, between Aaron Lyons, as sheriff of the county of Monterey, of the first part, and Charles Brown, of the township and county of Santa Cruz and State of California, of the second part: Whereas, by virtue of a writ of execution issued out of and made under the seal of the district court of the third judicial district of the State of California, in and for the county of Monterey, duly tested on the third day of July, 1860, and said execution being issued at the suit of Joaquin Bolado, pl'ff, *vs.* Durell S. Gregory, def't, and to the said sheriff directed and delivered, commanding him that of the goods and chattels of said Durell S. Gregory, in his bailiwick, he should cause to be made certain moneys in the said writ specified; and if sufficient goods of the last-named person could not be found, that then he should cause the amount of said judgment to be made of the lands, tenements, and real estate whereof the said last-named person was seized; and whereas because sufficient goods and chattels of the last-named person in the said writ could not be found, whereof he, the said sheriff, could cause to be made the moneys specified in said writ, the said sheriff did, in obedience to the said command, levy on, take, and seize all the estate, right, title, and interest of the said last-named person, of, in, and to the lands, tenements, real estate, and premises hereinafter particularly set forth and described, with the appurtenances, and did, on the 6th day of August, A. D. 1860, sell all the right, title, and interest of the said last-named person in and to the said premises at public vendue, at the court-house door, in the city of Monterey, in said county, between the hours of nine in the morning and five in the afternoon of that day, namely, at ten o'clock, he having first given notice of the time and place of such sale, according to law, at which sale the right, title, and interest of the last-named person in and to
the said premises were struck off and sold to Joaquin Bolado
129 for the sum of seventeen hundred and fifty-five dollars, he, the
said Joaquin Bolado, being the highest bidder, and that being the highest sum bidden for the same, whereupon the said sheriff, after receiving from said purchaser the said sum of money so bidden as aforesaid, gave to him such certificate as is by law directed to be given, and a certificate of such sale was duly filed in the office of the recorder of the county of Monterey; and whereas, previous to the expiration of six months after said sale, said Charles Brown, being a

judgment creditor, redeemed under said sale from the sheriff, now this indenture witnesseth: That I, Aaron Lyons, the sheriff as aforesaid, by virtue of the said writ, and in pursuance of the statute in such case made and provided, for and in consideration of the sum of money above mentioned, to me in hand paid as aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed, and confirmed, and by these presents do grant, bargain, sell, convey and confirm, unto the said Charles Brown, his heirs or assigns, all the estate, right, title, and interest of the said person against whom the said writ of execution has been issued as aforesaid, of, in, or to all the following described property, to wit: 1st. All that tract of land lying and being situate in the county of Monterey, State of California, and described by its bounds as follows: Commencing at a point on the Bay of Monterey, known as Point Aulones; thence following the coast of the Pacific ocean to Point Cipress; thence running in direct line in a northeasterly course to the place of beginning, being known as the rancho Punta de Pinos, containing two leagues of land, more or less, and the improvements thereon. 2d. That parcel of land known as the rancho San Cayetano, situate in the county of Monterey, State of California, and bounded northwardly by the Pajaro river, eastwardly by the rancho called Colorado and Vega del Rio del Pajaro, southwardly by the Colorado rancho and the old road from Monterey to Santa Cruz, westwardly by the Pacific ocean and the Estero Vallejo, together with the improvements thereon and
130 the appurtenances thereto belonging. 3rd. That certain tract of land situate in the county of Monterey, State of California, known as the rancho Santa Rita, bounded as follows: North by the rancho San Miguel, easterly by the Natividad rancho, southerly by the rancho Sausal and San José, and westerly by the Salinas rancho, together with all the improvements thereon and appurtenances in anywise thereunto appertaining. 4th. That certain lot or parcel of land lying and being situate in the city and county of Monterey, State of California, bounded as follows: North by the lot whereon is the house now occupied by Antonio Mendez, east by Main street, south by the lot and residence of the late Vicente Cantua, and and on the west by Pacific street, together with the appurtenances thereunto belonging or in anywise appertaining, together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: to have and to hold the said above-mentioned and described premises, with the appurtenances, unto the said Charles Brown, his heirs and assigns forever, as fully and absolutely as Aaron Lyons, the sheriff, can, may, or ought to, by virtue of the said writ, and of the statute in such case made and provided, grant, bargain, sell, release, assign, convey, and confirm the same.

In witness whereof, I, the said sheriff, have hereunto set my hand and seal the day and year first above written.

(Signed) AARON LYONS,
Sheriff of Monterey County.

Sealed and delivered in presence of ———

Previous to the execution of this deed, the words "and whereas the six months after such sale thereof have expired without any redemption of the said premises having been made" were erased, and "and whereas, previous to the expiration of six months after such sale, said Charles Brown" and "State of California" were interlined.

STATE OF CALIFORNIA,
County of Monterey, ss:

131 On this first day of July, A. D. 1861, before me personally came Aaron Lyons, sheriff of said county of Monterey, to me personally known to be the same individual described in and who executed the foregoing instrument, and signed his name thereto, as such sheriff, and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL.] J. D. CALLAGHAN,
Notary Public in and for Monterey County.

Rec'd for record July 5, 1861, at 2 p. m., and recorded in book E of conveyances, on pages 70, 71, and 72.

T. S. ROBERT,
Recorder, Monterey Co.

Filed June 10, 1862.

JOHN O. WHEELER, *Cl'k.*

132 *Order sub. Brown for Gleason.*

In the United States district court for the southern district of California.

HENRY DE GRAW (substituted in place of JACOB P. LEESE) *et al.*, appellees, *vs.* THE UNITED STATES, appellants.	No. 169.—June term, A. D. 1862.

Now, on motion of D. S. Gregory, att'y for appellees, and on his filing a certified copy of a deed from James H. Gleason to José Abrego for all his interest in the tract of land claimed in this case, and other deeds, showing that whatever interest the said Gleason held in the said premises is now vested in Charles Brown, and the death of the said Gleason being suggested, it is ordered that the said Charles Brown be substituted, as a party to the record in this case, in place of James H. Gleason, deceased, and that all further proceedings herein be had in the name of Henry De Graw, Charles

Brown, and Milton Little, as appellees, *vs.* the United States, appellants.

Thus done and signed in open court, this 11th day June, 1862.

FLETCHER M. HAIGHT,
U. S. Dist. Judge, South'n Dist. Cal'a.

Filed June 11th, '62.

JOHN O. WHEELER, *Clerk.*

133

134 *Stipulation.*

In the United States district court for the southern district of California.

HENRY DE GRAW and CHARLES BROWN, substituted for JACOB P. LEESE *et al.*, appellees, *vs.* THE UNITED STATES, appellants. | Docket No. 169.—June term, A. D. 1862.

Counsel for the respective parties in the above-entitled cause stipulate and agree as follows:

1st. That a certified copy of the deposition of David Spence, taken in the case of Lucinda E. Porgue *et al. vs.* the United States, docket No. 380, transcript No. 563, which said copy is now on file in this case, may be used in evidence on the trial of this cause, and that the original record of juridical possession therein referred to is the original of a copy attached, in this case, to the deposition of José Abrego, and marked Exhibit J. O. W., No. 2.

2d. That the certified copy of a deed from Milton Little and wife, and James H. Gleason and wife, to José Abrego, now filed in this case, and marked Exhibit "B." J. O. W., may be read in evidence, on the trial of this cause. with the same force and effect as the original.

3. That the judgment mentioned in a deed from Aaron Lyons, sheriff, to Charles Brown, marked Exhibit "A," J. O. W., on file in this case, and the sale made thereunder and referred to in said deed, and also the redemption therein mentioned, were regular and according to law, and that whatever interest in the premises, claimed
135 in this case, was held at the date of said deed by D. S. Gregory is now held and owned by the said Charles Brown, present claimant.

Monterey, 10th June, 1862.

B. C. WHITING,
U. S. Dist. Attorney for the South'n Dist. of California.
D. S. GREGORY,
Att'y for Claim'ts.

Filed June 13th, 1862.

JOHN O. WHEELER, *Clerk.*

136 *Submission and decision.*

United States district court, south'n dist. California.—Regular June term, A. D. 1862.

MONTEREY, *June 11th, A. D.* 1862.

Before Hon'l. Fletcher M. Haight, U. S. dist. judge.

HENRY DE GRAW, CHARLES BROWN, and MILTON LITTLE, substituted for J. P. LEESE *et al.*, appellees, *ads.* THE UNITED STATES, appellants.	D. C. No. 169.—L. C. No. 353.—"Punta de Pinos."

Now on this day, this cause coming on to be heard, the parties appearing by their respective counsel, D. S. Gregory, esq., on behalf of the appellees, and B. C. Whiting, dist. att'y, for the United States, the same was argued and submitted, and a decision rendered, confirming the judgment of the board of land commissioners, in favor of the appellees herein, and a decree in accordance directed to be drawn out and presented to the court.

137

138 *Order granting leave for withdrawal of papers.*

In the United States district court for the southern district of California, June term, A. D. 1862.

HENRY DE GRAW, substituted for JACOB P LEESE; CHARLES BROWN, substituted for JAMES H. GLEASON and MILTON LITTLE, appellees, *vs.* THE UNITED STATES, appellants.	No. 169.—Rancho "Punta de Pinos."

On motion of D. S. Gregory, attorney for appellees in the above cause, it is ordered that the said appellees or their said attorney have leave to withdraw from among the papers in this case the following described *mesne* conveyances (originals) filed herein, or his or their depositing with the clerk of this court, copies of such original conveyances, certified by him to be true and correct copies; said originals being as follows:

1st. A deed bearing date the 9th day of June, A. D. 1857, from Jacob P. Leese to Henry De Graw.

2. A deed of the 30th day of April, A. D. 1857, from José Abrego to D. S. Gregory.

3rd. A deed from Aaron Lyons, as sheriff of Monterey county, to Charles Brown, bearing date 1st July, A. D. 1861.

(Signed) FLETCHER M. HAIGHT.

Filed June 13th, '62.

JOHN O. WHEELER, *Clerk.*

139

140 *Decree.*

In the United States district court for the southern district of California.—June term, A. D. 1862.

HENRY DE GRAW, substituted in place of JACOB P. LEESE; CHARLES BROWN, substituted in place of JAMES H. GLEASON and MILTON LITTLE, appellees,
vs.
THE UNITED STATES, appellants.

No. 169.—"Punto de Pinos."

The above-entitled cause coming on to be heard at the regular term of said court, on appeal from the decision of the board of land commissioners to ascertain and settle private land claims in the State of California, under an act of Congress, approved March 3d, A. D. 1851, upon the transcript of the proceedings and decision of the said board of land commissioners, and the papers and evidence on which the said decision was based, and additional evidence taken in this court and filed in this case, and it appearing that the said transcript has been regularly filed according to law, and Henry De Graw having been substituted, on the record, as appellee in place of Jacob P. Leese, and Charles Brown having been substituted, on the the record, as appellee in the place of James H. Gleason, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed by the court, that the decision of the said board of land commissioners, confirming the title of the land described
141 in said transcript be, and the same is hereby, affirmed; and it is further ordered, adjudged, and decreed that the title of the said appellees, Henry De Graw, Charles Brown and Milton Little, to the tract of land described in the transcript in this case is a good and valid title.

The land of which confirmation is made is situated in the county of Monterey, and is known by the name of Punto de Pinos, being the same which was granted to José Maria Armenta by Governor Figueroa, on the 24th of May, 1833, and regranted and confirmed to Don José Abrego by Governor Micheltorena on the 4th of October, 1844, and is bounded as follows: Commencing on the sea-coast or beach at the "*Punta de Aulones,*" and running along the sea-coast around the "Punta de Pinos" to the Punta de Cipreses; thence by a right line from southwest to northeast to the place of beginning, being of the extent shown by the map (diseño) annexed to the grant filed with the papers in this case, or contained in the transcript, to which reference is made for a more particular description.

(Signed) FLETCHER M. HAIGHT,
U. S. Dist. Judge, South'n Dist. of Cal'a.

Filed June 13th, '62.

JOHN O. WHEELER, *Cl'k.*

Order of appeal to Supreme Court.

142 United States district court for the southern district of California.—Regular June term, A. D. 1862.

MONTEREY, *Friday, June* 13, *A. D.* 1862.

Hon'l Fletcher M. Haight, U. S. dis't. judge.

HENRY DE GRAW *et al.* substituted for J. P. LEESE *et al.*, appellees, *ads.* THE UNITED STATES appellants.	No. 169, D. C.—"Punta de Pinos."

Now comes B. C. Whiting, U. S. dis't att'y, and moves the court to grant an appeal to the United States Supreme Court from the order and decree of this court, this day made, confirming the claim of appellees therein.

Which motion, being heard, is hereby granted.

143 United States district court, southern district of California.

CLERK'S OFFICE, *Monterey.*

I, John O. Wheeler, clerk of the United States dis't court for the southern district of California, do hereby certify the above and foregoing one hundred and forty-two pages, numbered from 1 to 142, both inclusive, to contain a full, true, and correct transcript of the record of the proceedings, and of the decision of said court, of the documentary evidence, and of the testimony of the witnesses, upon which the same was founded, on file in my office, in case No. 169 on the docket of said court, wherein Henry de Graw *et al.* are the claimants, against the United States, for the place called "Punto de Pinos."

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Monterey, this the 18th day of Novem-
[SEAL.] ber, A. D. 1862.

JOHN O. WHEELER,
Clerk U. S. Dis't C't, S. D'st Cal'a.